

**In The Matter Of:**

***JASON JORDAN***

***vs.***

***PREMIER ENTERTAINMENT BILOXI, et. al.***

---

***JASON JORDAN***

***March 31, 2014***

---

**MERRILL CORPORATION**

**LegalLink, Inc.**

311 South Wacker Drive  
Suite 300  
Chicago, IL 60606  
Phone: 312.386.2000  
Fax: 312.386.2275

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JASON JORDAN; ALYSSA JORDAN,  
INDIVIDUALLY AND ON BEHALF OF  
THE ESTATE OF UNBORN BABY JORDAN,  
DECEASED AND ON BEHALF OF ALL OF  
THE HEIRS AT LAW AND WRONGFUL  
DEATH BENEFICIARIES OF UNBORN  
BABY JORDAN, DECEASED;  
AND CHRISTOPHER SOUKUP

PLAINTIFFS

VS.

CIVIL ACTION NO: 1:13cv195 LG-JMR

PREMIER ENTERTAINMENT BILOXI,  
LLC d/b/a HARD ROCK HOTEL & CASINO;  
THE CITY OF BILOXI, MISSISSIPPI;  
DOE DEFENDANT ONE; JOSHUA HAMILTON,  
IN HIS OFFICIAL AND INDIVIDUAL  
CAPACITIES; DOE DEFENDANT THREE;  
DOE DEFENDANT FOUR; DOE DEFENDANT  
FIVE AND DOE DEFENDANTS 6-10

DEFENDANTS

-----  
DEPOSITION OF JASON JORDAN  
-----

Taken at 759 Vieux Marche Mall, Biloxi,  
Mississippi, Monday, March 31, 2014,  
beginning at 2:29 p.m.

REPORTED BY:  
JENNIFER RAY, RPR  
Merrill Legal Solutions

## 1 APPEARANCES:

## 2 REPRESENTING PLAINTIFFS:

3 THOMAS J. BELLINDER, ESQUIRE  
4 Martin & Bellinder  
351 Edgewood Terrace Drive  
Jackson, Mississippi 39206

## 6 REPRESENTING HARD ROCK HOTEL &amp; CASINO BILOXI:

7 DAVID W. STEWART, ESQUIRE  
COPELAND COOK TAYLOR & BUSH, P.A.  
2781 C.T. Switzer Sr. Drive, Suite 200  
8 Biloxi, Mississippi 39531

## 9 REPRESENTING THE CITY OF BILOXI:

10 TERE R. STEEL, ESQUIRE  
Page, Mannino, Peresich & McDermott, PLLC  
11 759 Vieux Marche Mall  
Biloxi, Mississippi 39530

## 13 REPRESENTING JOSHUA HAMILTON:

14 ANDREW AUSTIN CLARK, ESQUIRE  
Russell S. Gill, PLLC  
638 Howard Avenue  
15 Biloxi, Mississippi 39530

## TABLE OF CONTENTS

WITNESS: JASON JORDAN

PAGE:

|                                    |     |
|------------------------------------|-----|
| Examination by Mr. Stewart -----   | 5   |
| Examination by Ms. Steel -----     | 86  |
| Examination by Mr. Clark -----     | 113 |
| Examination by Mr. Bellinder ----- | 118 |
| Examination by Mr. Clark -----     | 121 |
| Examination by Mr. Stewart -----   | 122 |
| Reporter's Certificate -----       | 124 |
| Errata Sheet -----                 | 125 |

\*\*\*\*\*

## EXHIBITS

(No exhibits were marked.)

## 1 STIPULATION

2 It is hereby stipulated and agreed  
3 by and between the parties hereto, through  
4 their respective attorneys of record, that  
5 this deposition may be taken at the time and  
6 place hereinbefore set forth, by Jennifer Ray,  
7 RPR, Court Reporter and Notary Public,  
8 pursuant to the Federal Rules of Civil  
9 Procedure, as amended;

10 That the formality of READING AND  
11 SIGNING is specifically NOT WAIVED;

12 That all objections, except as to  
13 the form of the questions and the  
14 responsiveness of the answers, are reserved  
15 until such time as this deposition, or any  
16 part thereof, may be used or is sought to be  
17 used in evidence.  
18  
19  
20  
21  
22  
23  
24  
25

1 JASON JORDAN,  
2 the witness, having been produced and  
3 first duly sworn, testified as follows,  
4 to-wit:

5 - - -

6 BY MR. STEWART:

7 Q. State your full name, please.

8 A. Jason Christopher Jordan.

9 Q. Where do you live, Jason?

10 A. I live in Biloxi.

11 Q. Are you in the military right now?

12 A. Yes, I am.

13 Q. What's your rank?

14 A. I am a senior airman, E-4.

15 Q. Senior airman?

16 A. Yes.

17 Q. Okay. You sat through most of the  
18 deposition, but you missed the beginning of  
19 it, so I'm gonna kind of go back through.

20 If you would -- I'm the attorney for  
21 Hard Rock, David Stewart. We met briefly  
22 before. I'm gonna ask you a series of  
23 questions. If you would, just answer out loud  
24 so the court reporter can take down what you  
25 say, and try to verbalize your answer as

1       opposed to head nods and things like that --

2           A.     Yes, sir.

3           Q.     -- that she can't take down.  It's a  
4       lot more complicated if you do that.

5           If you don't understand something  
6       I've asked you, just let me know, and I'll try  
7       to clarify my question for you.  Okay?

8           A.     Yes, sir.

9           Q.     Have you ever been in a deposition  
10      before?

11          A.     No, sir.

12          Q.     Have you ever filed a lawsuit  
13      besides this one?

14          A.     No, sir.

15          Q.     Have you ever given testimony  
16      anywhere before?

17          A.     No, sir.

18          Q.     What's your current address?

19          A.     It is 121 O'Donnell,  
20      O-D-O-N-N-E-L-L, Drive, Biloxi, Mississippi  
21      39531.

22          Q.     How long have you been there?

23          A.     Since December.

24          Q.     And who lives there with you?

25          A.     My wife, Alyssa.

1 Q. Where does she work?

2 A. She does not work.

3 Q. What's the last job she's held?

4 A. She worked at Java, a coffee shop in  
5 Cadillac, Michigan.

6 Q. Is there any reason she's not  
7 working?

8 A. I just got back from deployment, so  
9 we just relocated back to Mississippi -- or  
10 she just relocated back, and I just got back  
11 to the States, so...

12 Q. Where have you been?

13 A. I was in Saudi Arabia.

14 Q. What were you doing in Saudi? What  
15 type of job?

16 A. Security, police work, base  
17 security, patrol, QRF, Quick Reaction Force,  
18 working with the Saudi military, Saudi police  
19 training.

20 Q. Were you at a particular base there?

21 A. Eskan Village.

22 Q. Is that close to Afghanistan?

23 A. Not particularly. It's -- it  
24 borders Iraq. Afghanistan is north.

25 Q. Oh, okay. I guess I'll get my



1 geography straight before I ask a question.

2 So it's more in support of anything  
3 going on in that area, the Iraqi campaign to  
4 withdraw and all that, or is that all over?

5 A. It was in -- we did -- we did have  
6 some troops forward deploy to Afghanistan, and  
7 it was in support of the Syrian conflict. So  
8 if we needed to go to Syria, then we could  
9 forward deploy to Jordan.

10 Q. Do you have a driver's license?

11 A. Yes, I do.

12 Q. What state is that?

13 A. Mississippi.

14 Q. Do you have that with you?

15 A. Yes, I do.

16 Q. Could I get the driver's license  
17 number, or do you happen to know it?

18 A. I don't know it. I just got it.  
19 802649257.

20 Q. Do you have any restrictions on your  
21 license?

22 A. No, sir.

23 Q. Have you ever had a driver's license  
24 suspended or revoked?

25 A. No, sir.

1 Q. What other states have you held a  
2 driver's license in?

3 A. Michigan.

4 Q. Just Michigan?

5 A. Yes.

6 Q. What's your date of birth?

7 A. January 28th, 1989.

8 Q. Makes you how old?

9 A. 25.

10 Q. How far did you go in school?

11 A. As far as?

12 Q. High school, college.

13 A. I haven't graduated college, but I  
14 have about 59, 60 credit hours, and I have a  
15 certificate for 911 dispatching that I got  
16 from Baker College. It was for 911  
17 telecommunications certificate.

18 Q. 911. Okay. Where did you go to  
19 high school?

20 A. Pine River.

21 Q. Pine River in where?

22 A. Le Roy, Michigan.

23 Q. How long have you known Alyssa  
24 Jordan?

25 A. Since I believe 2009.

1 Q. It would have been Alyssa something  
2 else. What was it before?

3 A. What's that?

4 Q. What was her maiden name?

5 A. Sylvester.

6 Q. Where did y'all meet?

7 A. We worked together at a movie  
8 theater.

9 Q. And when did y'all get married?

10 A. It was June 5th, 2011, the 5th or  
11 the 6th.

12 Q. You worked at a movie theater. Was  
13 that your job prior to going into the Air  
14 Force?

15 A. Yes. I worked there and I worked at  
16 FedEx at the same time.

17 Q. How long did you work at those  
18 places?

19 A. I worked at the movie theater from I  
20 think the end of 2008 until 2010, so about two  
21 years, and the same for FedEx.

22 Q. What kind of theater was it, like a  
23 United Artist or something, or what was it?

24 A. It was a Goodrich Quality Theaters,  
25 just a five-screen, just a small theater.

1 Q. What location?

2 A. Cadillac, Michigan.

3 Q. Is that the only one there?

4 A. Yes.

5 Q. And where did you work for FedEx?

6 A. In the same town.

7 Q. Was it a facility there, you were a  
8 driver?

9 A. It was FedEx Ground.

10 Q. What did you do for them?

11 A. I loaded and unloaded trucks.

12 Q. Did you work anywhere else before  
13 you went in the military?

14 A. I worked at Dairy Queen.

15 Q. In Cadillac?

16 A. Yes.

17 Q. Did you have any issues, personal  
18 issues or anything that led to your decision  
19 to go into the military?

20 A. No, sir. Just sick of paying for  
21 school, so...

22 Q. College?

23 A. Yes, for college.

24 Q. And since then, you studied --  
25 you've got some college credits?

1 A. Yes, sir.

2 Q. What were those in?

3 A. Criminal justice.

4 Q. And where is that?

5 A. I went to Baker College, Community  
6 College of the Air Force, Mississippi Gulf  
7 Coast Community College.

8 Q. Where is Baker College?

9 A. Cadillac.

10 Q. What about Community College of the  
11 Air Force, where is that?

12 A. I'm not exactly sure where the  
13 headquarters are.

14 Q. Is that something available to the  
15 entire Air Force?

16 A. Yes, it is.

17 Q. Is it online, or how does that work?

18 A. You get credits for attending --  
19 like Security Forces Academy, you get credits  
20 towards your associate's degree in criminal  
21 justice, and then my credits from Baker  
22 College would also fill into electives and  
23 whatnot for the Community College of the Air  
24 Force.

25 Q. What about Mississippi Gulf Coast

1 Community College, where did you do that?

2 A. Jefferson Davis Campus in Gulfport.

3 Q. When did you start there?

4 A. It was in -- I did one semester in  
5 -- one or two semesters in 2012. It was the  
6 fall semester, I believe.

7 Q. Did you finish those classes?

8 A. Yes, I did.

9 Q. Did you pass those classes?

10 A. Yes.

11 Q. What were those classes in? What  
12 type of criteria --

13 MR. CLARK: Study?

14 MR. STEWART:

15 Q. Study, field of study?

16 A. Criminal justice, police  
17 administration, criminal organization and  
18 criminal investigations.

19 Q. Have you ever studied Mississippi  
20 law in any of those courses?

21 A. No, sir.

22 Q. Have you ever been married to anyone  
23 besides Alyssa?

24 A. No, sir.

25 Q. Have you ever been separated from

1 her in terms of legal separation?

2 A. No.

3 Q. Before the incident at Hard Rock,  
4 have you ever been charged with any form of  
5 domestic violence or abuse by anyone?

6 A. No, sir.

7 Q. Have you ever been convicted of a  
8 felony in the last ten years?

9 A. No, sir.

10 Q. Have you ever had any sort of  
11 conviction related to alcohol consumption?

12 A. No, sir.

13 Q. Have you ever had any sort of  
14 investigation in the military regarding  
15 domestic abuse of anyone?

16 A. No, sir.

17 Q. Have you ever been -- other than the  
18 facts of this incident, have you ever been  
19 removed from a casino or other place of  
20 business for any reason?

21 A. No, sir.

22 Q. Have you ever been trespassed from  
23 any casino or other place of business?

24 A. No, sir.

25 Q. You're in the Air Force, right?

1 A. Yes.

2 Q. What's your -- I don't know what to  
3 call it -- your division, squad, squadron, how  
4 do you describe it?

5 A. Squadron.

6 Q. Which is what; the 81st?

7 A. 81st Security Forces Squadron.

8 Q. How large is that? How many people?

9 A. Between two and three hundred.

10 Q. Who is the commander?

11 A. Major Fitzpatrick.

12 Q. Was he the commander at the time of  
13 this incident?

14 A. No.

15 Q. Who was then?

16 A. Major Pignataro.

17 Q. Do you know where he is now?

18 A. He is -- the last I knew he was  
19 overseas, but I don't know the exact location.

20 Q. Can you spell his name?

21 A. I could try, but I don't know how to  
22 spell it.

23 Q. You said he was overseas?

24 A. The last I knew, but I'm not sure of  
25 the exact location.



1 Q. Do you know where he's from  
2 initially, what he calls home?

3 A. I believe in passing -- what I  
4 remember, we were both from Michigan. I think  
5 he was from the UP, Upper Peninsula, but I'm  
6 not for sure.

7 Q. Okay. And what's your exact job in  
8 the military now?

9 A. I'm a Security Forces policeman, and  
10 I am the corrections supervisor, mid shift  
11 corrections supervisor.

12 Q. What is a corrections supervisor?

13 A. For people that get court-martialed  
14 and are convicted to -- or sentenced to time.  
15 Anything under six months, then I am in charge  
16 of supervising them, facilitating their days,  
17 providing meals, just like in a regular jail  
18 or prison, just a -- like a guard.

19 Q. So you function like a warden or a  
20 prison employee?

21 A. Yes, sir.

22 Q. Who actually is over that fully?  
23 Who is your direct supervisor?

24 A. Well, it -- do you want immediate  
25 supervisor?

1 Q. Who is your next up supervisor?

2 A. Staff Sergeant O'Neal. She is the  
3 non-commissioned officer in charge of  
4 confinement.

5 Q. How many people are confined, or how  
6 large is the facility, I guess?

7 A. It's a Level 1 confinement facility.  
8 It can house up to 20 people.

9 Q. And that max's out at six months?

10 A. Yes, sir.

11 Q. And after that they go to  
12 Leavenworth or someplace like that?

13 A. Or Miramar, Leavenworth.

14 Q. Okay. And who is above Master  
15 Sergeant -- Staff Sergeant O'Neal, is that  
16 what you said?

17 A. Staff Sergeant O'Neal.

18 Q. Who is above her, him or her?

19 A. Gonna be the op superintendent,  
20 would be Captain Porta.

21 Q. Spell that last name.

22 A. P-O-R-T-A.

23 Q. Okay. Is that the same supervisor  
24 who was over your security shift, active duty  
25 shift on the date of this incident?

1           A.     He operates in -- not immediate  
2 supervisor. He's the second in charge of the  
3 squadron, so he kind of facilitates --

4           Q.     Going back to the date of this  
5 incident. Who was over your squad of -- I'm  
6 using the wrong term because I don't  
7 understand all the relationships, but the  
8 group of guys --

9           A.     It would be called a flight.

10          Q.     Flight. Okay. Who was over your  
11 flight?

12          A.     It was Chris Soukup.

13          Q.     How many people constitute a flight?

14          A.     It just varies. At that time, it  
15 was approximately -- probably between 40 and  
16 50 people.

17          Q.     Is it like a shift?

18          A.     Yes.

19          Q.     It's the equivalent -- military  
20 equivalent of a shift?

21          A.     Military equivalent of a dayshift,  
22 mid shift, swing shift.

23          Q.     So a tour of duty to me means you're  
24 going overseas and coming back six months  
25 later, but to y'all that means working in a

1 day, right?

2 A. It can mean both.

3 Q. I learned that this morning.

4 What shift were you working on the  
5 day of this incident?

6 A. I was working swings.

7 Q. Is that considered a flight --

8 A. Yes.

9 Q. -- or that's your entire group?  
10 Okay. What time did you get off  
11 work?

12 A. I believe it was approximately 11:00  
13 p.m.

14 Q. Did you get off earlier than  
15 expected?

16 A. I had a -- I believe I was an early  
17 post, so I posted an hour early, and then you  
18 get relieved -- you still work the same amount  
19 of time, but you go in an hour early and get  
20 relieved an hour early.

21 Q. Does any of your training involve  
22 identifying people with signs of intoxication?  
23 Have you ever been trained on that?

24 A. Not in a certifying capacity, but  
25 I've been trained on it generally.

1 Q. As a security officer --

2 A. Yes.

3 Q. -- or a security airman?

4 What is your title? What do you --  
5 are you characterized as a police officer in  
6 the military? What do they call it, MP?

7 A. Well, for the Air Force, it's called  
8 SF, Security Forces, but it's -- you have  
9 apprehension authority. It's the same thing  
10 as a MP.

11 Q. Are you a sworn police officer in  
12 the military?

13 A. Yes.

14 Q. Do you carry a badge?

15 A. I have one for my uniform, but  
16 there's no credentials that go with it. It's  
17 just a badge.

18 Q. It's just part of the actual decor  
19 of the uniform?

20 A. Correct.

21 Q. It's not a badge in the sense of a  
22 police officer taking out a badge to show that  
23 he's a police officer?

24 A. It depends on the investigators in  
25 our squadron. They're given credentials, and

1 they can use that badge that goes in there  
2 that -- there's an actual badge wallet for it.  
3 But in our capacity, we don't have credentials  
4 for it. So it's just an identifying item on  
5 our uniform so other people in the military  
6 know that we're police.

7 Q. When you are outside of the base or  
8 other military complex, are you a police  
9 officer outside in the world in any way, shape  
10 or form?

11 A. No, sir.

12 Q. Okay. You've never been sworn as a  
13 police officer in any jurisdiction, have you?

14 A. No, sir.

15 Q. Have you ever received any awards or  
16 medals in the military?

17 A. I won -- I just recently won Airman  
18 of the Quarter for the fourth quarter and air  
19 expeditionary medal.

20 Q. So what did it take to get Airman of  
21 the Quarter?

22 A. You have to -- you stand out from --  
23 there's approximately 150 airmen, so you go  
24 into competition with them. It's volunteer  
25 work, ratings on your -- how well you're doing

1 your job. I was deployed at the time, so some  
2 of the things I did -- I did training with the  
3 EOD, bomb detection, just --

4 Q. Going above and beyond what's asked  
5 of you?

6 A. Right. That's right.

7 Q. Would you characterize your career  
8 currently in the Air Force as successful?

9 A. Yes.

10 Q. Okay. Do you have any long-term  
11 plans after the military? What are you gonna  
12 do after that?

13 A. Hopefully retire out of there, and  
14 then we'll see from there.

15 Q. What's the retirement time for the  
16 military?

17 A. It's a minimum of 20 years.

18 Q. How much do you have in?

19 A. A little over three.

20 Q. Have you ever been the subject of  
21 any discipline by the military?

22 A. Resulting from this incident, yes.

23 Q. Any other?

24 A. No other.

25 Q. Okay. What was the -- was there an

1 investigation with regard to this incident?

2 A. I believe so, but I'm not sure to  
3 the extent of how far the investigation went.

4 Q. How did you know there was an  
5 investigation at all?

6 A. Just based on the punishment I  
7 received, I assumed that they had to do some  
8 sort of investigation to give me a punishment  
9 for it.

10 Q. What punishment did you receive?

11 A. It was Art 5.

12 Q. A what?

13 A. It's an Article 15, nonjudicial  
14 punishment.

15 Q. What happened as a result of that?

16 A. I was given 45 days of extra duty.

17 Q. Did you have an opportunity to --  
18 was there any sort of proceeding where you  
19 testified or explained the facts?

20 A. You can deny the Art 15, but then  
21 you have to go to court-martial, or you can  
22 accept the Art 15, and you're not admitting  
23 guilt, but you're accepting that punishment  
24 over going to court.

25 Q. Who communicated those facts to you,



1 those options?

2 A. My commander, Major Pignataro.

3 Q. Did he explain to you why you were  
4 being given those options?

5 A. Not specifically. It's just -- I  
6 think it's just their proceedings and  
7 punishment.

8 Q. So you were afforded the opportunity  
9 to either take the punishment that was  
10 determined to be appropriate to you, the 45  
11 days of extra duty, or you could not accept  
12 that and then have a full court-martial?

13 A. That's right.

14 Q. And you accepted to take the  
15 punishment?

16 A. Yes.

17 Q. When was that?

18 A. That was in January of 2012.

19 Q. And your understanding was that was  
20 as a direct result of the incident at the Hard  
21 Rock --

22 A. Yes.

23 Q. -- at issue in this lawsuit?

24 A. That's right.

25 Q. Have you ever had any demotion in

1 your rank?

2 A. No, sir.

3 Q. Have you been promoted at all?

4 A. Yes.

5 Q. When was that?

6 A. August 29th of 2013.

7 Q. Were you suspended without pay when  
8 -- I'm sorry -- when you -- the 45 days that  
9 you worked, were you paid during that?

10 A. Yes.

11 Q. Have you consistently worked since  
12 the date of this incident?

13 A. Not in my job capacity, but I had to  
14 show up -- I had to be at -- present for duty  
15 every day, but I haven't been able to do my  
16 job every day.

17 Q. What do you mean?

18 A. I was unable to arm-up due to  
19 injuries and the punishment proceedings.

20 Q. What do you mean -- I understand the  
21 issue about injuries. What do you mean  
22 because of the punishment proceedings?

23 A. I guess in the month leading up to  
24 -- while they were doing their investigation  
25 in the month of December, they relieve you of

1 duty so you can't carry a firearm. If you  
2 can't carry a firearm, then you can't complete  
3 your job unless they send you in an  
4 administrative capacity.

5 Q. So how long were you not in a  
6 position to carry a firearm because of the  
7 discipline?

8 A. 30 days.

9 Q. How long were you saying you were  
10 not able to, as you say, arm-up otherwise?

11 A. I have to think about it for a  
12 minute. It was about 13 months.

13 Q. What did you do in those 13 months  
14 in terms of your job?

15 A. For the first -- for the first six  
16 months, I was still assigned to my flight, but  
17 I was doing administrative paperwork, filing,  
18 cleaning, anything they needed me to do.

19 Q. And what about after those six  
20 months?

21 A. Then I was assigned to the pass and  
22 registration office, which is a visitor  
23 center.

24 Q. And then after 13 months, you went  
25 back to full duty?

1 A. Yes.

2 Q. Have you got any limitations or  
3 restrictions in what you can and can't do  
4 physically as a matter of a doctor telling you  
5 that?

6 A. No pushups still.

7 Q. Are you required to do pushups?

8 A. Yes.

9 Q. Are you excused from that  
10 requirement in terms of -- I know there's  
11 certain fitness things you have to do in the  
12 military. Is that something you're allowed to  
13 not do because of that?

14 A. It is for a short period of time,  
15 and then anything over two years they begin  
16 investigation of why you're still injured, and  
17 then you can possibly be med boarded, which is  
18 a medical disposition to see if you're still  
19 fit to be in the military or if the injury is  
20 preventing you from being physically capable  
21 to continue your career.

22 Q. Where do you stand on the two years  
23 time-wise?

24 A. This is the last -- it's called a  
25 profile. That's what you get from the doctor

1 that excuses you from pushups, situps, any  
2 physical training. I'm at the end of that.

3 Q. What you do you mean the end?  
4 Literally you're at the end of the two years?

5 A. Yes.

6 Q. Have you -- has a physician -- who  
7 are you treating with for that?

8 A. It's Dr. -- I'm not sure if she's a  
9 doctor, but my primary care physician, Dr.  
10 Corta.

11 Q. Where is she?

12 A. Keesler medical facility.

13 Q. Have you expressed to her your  
14 desire to test, to make sure that you can do  
15 pushups, or is that even something y'all  
16 discussed?

17 A. It was something she's -- that I've  
18 discussed and we've evaluated -- she's  
19 evaluated.

20 Q. What has she said about it?

21 A. Just to continue trying to  
22 strengthen it, do hand exercises.

23 Q. Have you done any physical therapy?

24 A. They didn't -- they didn't refer me  
25 to do that.

1 Q. When will your next profile occur?

2 A. The one that I'm currently on  
3 expires in April, and then I would need to get  
4 another doctor's appointment in order to  
5 extend that, or if I didn't go in, then it  
6 would just -- then I would be required to do  
7 pushups.

8 Q. How long can it be extended, to your  
9 knowledge?

10 A. It can be extended for any amount of  
11 time that they feel you are unable to do your  
12 physical activity, but anything over that  
13 amount of time, then you're possibly going to  
14 be medically discharged.

15 Q. Has anybody mentioned to you that  
16 you're being considered for med boarding?

17 A. Not at this time.

18 Q. Other than not being able to do the  
19 required pushups, is there anything else you  
20 can't do since this incident?

21 A. No, sir.

22 Q. Other than the deployment we've  
23 already talked about, have you ever been  
24 deployed anywhere else?

25 A. No, sir.

1 Q. Do you have any children?

2 A. No.

3 Q. Does your wife have any children  
4 from any prior engagement or marriage?

5 A. No, sir.

6 Q. Relationship?

7 A. No.

8 Q. Has your wife -- before this  
9 incident, was she ever pregnant before?

10 A. No, sir.

11 Q. Have you ever had a girlfriend who  
12 got pregnant?

13 A. Yes, sir.

14 Q. When was that?

15 A. That was in April of 2010.

16 Q. That was a different person than  
17 Alyssa?

18 A. Yes.

19 Q. What was the end result of that?

20 A. She miscarried, but I don't know the  
21 details.

22 Q. How far along was she?

23 A. Approximately six to eight weeks.

24 Q. Do you know why she miscarried?

25 A. No, sir.

1 Q. She wasn't involved in any injury or  
2 anything, was she?

3 A. No, sir. I believe it had something  
4 to do with a thyroid disease, but I'm not  
5 sure.

6 Q. Do you have any relatives who live  
7 in South Mississippi?

8 A. Not that I know of.

9 Q. Have you ever had any other injuries  
10 other than the injuries we're gonna talk about  
11 after this incident? Have you ever had any  
12 medical conditions?

13 A. No, sir.

14 Q. Never been injured in any accidents  
15 or anything like that?

16 A. No, sir.

17 Q. Have you ever injured your right or  
18 left wrist before this incident?

19 A. Yes, sir.

20 Q. Where was that?

21 A. It was in Le Roy, Michigan.

22 Q. What happened?

23 A. I fell on it.

24 Q. During the course of what?

25 A. We were like doing some MMA-type



1 like grappling.

2 Q. Is that something you've done a lot  
3 in your life?

4 A. No, sir.

5 Q. What inspired that episode?

6 A. We had just seen it on TV, so...

7 Q. Who was with you?

8 A. Derek Syers.

9 Q. Is that a friend of yours from home?

10 A. Yes, sir. He's deceased.

11 Q. S-I --

12 A. S-Y-E-R-S.

13 Q. How did Mr. Syers die?

14 A. Suicide.

15 Q. When was that?

16 A. That was in 2012 or 2013. I can't  
17 remember.

18 Q. Can you explain if you actually lost  
19 any wages after this incident?

20 A. I was scheduled to deploy in July of  
21 2012, but because of the injury, I was unable  
22 to deploy, so -- in a deployed environment,  
23 you have tax incentives and hazard duty pay,  
24 family separation pay. So all that extra pay  
25 would have been something that I would

1 received but did not because I was unable to  
2 go.

3 Q. How often do you deploy? How often  
4 would that opportunity be presented to you?

5 A. You can deploy up to as much as  
6 every six months. Six months home, six months  
7 gone. It's usually about a year in between.

8 Q. How many times have you gone since  
9 this incident?

10 A. Once.

11 Q. Is it your position that you would  
12 have gone more than once?

13 A. Yes. I would have gone one more  
14 time.

15 Q. Are you gonna go again?

16 A. If they need me to.

17 Q. Have you requested deployment?

18 A. No, sir.

19 Q. Why not?

20 A. You're in a window of deployment  
21 opportunity. So they select you from a  
22 bucket, per se. So once you're in your  
23 bucket, you're either slotted to go or you're  
24 not. There's not really a volunteer  
25 opportunity unless somebody is unable to go

1 and they need somebody to go right away, and  
2 then you can volunteer, but that hasn't been  
3 the case.

4 Q. So the one time you went, that kind  
5 of satisfied your opportunity, didn't it?

6 A. Well, I was slotted to go within my  
7 window. It's a three-month window. So if a  
8 position for my rank and my duty title became  
9 available -- so they pick you from a list, and  
10 then you go. So if it comes up again in a  
11 year and they need somebody and it's my time  
12 to go, then they'll pick me from the list  
13 again.

14 Q. So this happened at the end of '11.  
15 You went in, what, '12?

16 A. I went in '13.

17 Q. '13. So --

18 A. I was supposed to go in '11, and  
19 then I went -- I was slotted again for '13.  
20 So I would've went in '11, then I would have  
21 came back, and then I would've went again.

22 Q. You're positive you were going  
23 twice?

24 MR. BELLINDER: Object to the form.

25 A. It's not for certain, but...

1 MR. STEWART:

2 Q. Did you have to have a physical  
3 before you deployed?

4 A. Yes, sir.

5 Q. Did you pass that physical?

6 A. Yes, sir.

7 Q. Did that involve pushups?

8 A. They had waived it at that time, so  
9 they allowed me to go.

10 Q. What does that mean?

11 A. They still allowed me to go without  
12 -- I had a passing physical training test,  
13 just -- they exempted me from pushups at that  
14 time, so I was still able to go.

15 Q. I'm assuming you didn't have any  
16 trouble with pushups before this incident,  
17 right?

18 A. No, sir.

19 Q. How many could you do before this?  
20 Was it timed?

21 A. Yes. You have to do as many -- as  
22 many as you can in one minute, and I believe  
23 on my first PT test I did 40. The requirement  
24 is -- the minimum requirement is 33.

25 Q. And when you try now, how many can

1     you do?

2             A.     Approximately 20 or less.

3             Q.     How often do you try?

4             A.     Probably two or three times a week  
5     to try to strengthen the hand.

6             Q.     You've never made a claim for  
7     disability in the military, have you?

8             A.     No, sir.

9             Q.     Before this incident, did you ever  
10    go to any casino or lounges?

11            A.     Yes, sir.

12            Q.     Where did you go?

13            A.     Turtle Creek.

14            Q.     Where is that?

15            A.     It's in Williamsburg, Michigan.

16            Q.     That's a casino?

17            A.     Yes.

18            Q.     Did they have a nightclub?

19            A.     Yes, but I never went to it.

20            Q.     Did you ever go to any nightclubs  
21    here on the coast?

22            A.     No, sir.

23            Q.     Anywhere else?

24            A.     No, sir.

25            Q.     Had you ever been to the Hard Rock

1 Casino before this incident?

2 A. Yes, sir.

3 Q. How many times?

4 A. Approximately maybe three to five  
5 times, but never to The Ledge.

6 Q. You never went to The Ledge?

7 A. No, sir.

8 Q. Before this incident, other than the  
9 MMA episode, have you ever been in a fight?

10 A. No, sir.

11 Q. Not ever in your life?

12 A. No, sir.

13 Q. Did you play football or anything?

14 A. Yes, I played football.

15 Q. Did you ever get in a fight on the  
16 football field?

17 A. No, sir. Just the normal football  
18 physical aspect, but no fights.

19 Q. Did you ever injure your wrist  
20 playing football?

21 A. No, sir.

22 Q. Did you ever play any other sports?

23 A. Yes.

24 Q. What other sports?

25 A. Soccer, basketball, baseball.

1 Q. Any sports injuries at all?

2 A. No, sir.

3 Q. Have you ever seen any sort of fight  
4 at Hard Rock Casino or in The Ledge before  
5 this incident?

6 A. No, sir.

7 Q. Have you been back?

8 A. No, sir.

9 Q. Has any of your training involved  
10 defusing arguments so they don't turn into  
11 altercations?

12 A. Yes, sir.

13 Q. When were you trained on that?

14 A. Beginning of May 2011 until  
15 currently, but -- so from May until -- that  
16 time period would be May to November.

17 Q. Is there a text that y'all teach out  
18 of, that you learn out of?

19 A. Yes, sir.

20 Q. What is it called?

21 A. It's the Security Forces -- it's  
22 like a -- Security Forces Academy, but I'm not  
23 exactly sure what the book is.

24 Q. Is there one that's specific to  
25 avoiding or defusing arguments?

1 A. I believe it's a chapter.

2 Q. Is there a chapter on use of force?

3 A. Yes, sir.

4 Q. Are you trained in the proper use of  
5 force?

6 A. Yes, I am.

7 Q. Have you studied the use of force  
8 continuum?

9 A. Yes, but it's been awhile now.

10 Q. Did you study that before this  
11 incident?

12 A. Yes, sir.

13 Q. Have you ever gotten into any sort  
14 of domestic fight or argument with your wife,  
15 your current wife?

16 A. No, sir.

17 Q. Before this incident, were you aware  
18 of the possibility that fights can happen in  
19 lounges and bars?

20 A. Yes, sir.

21 Q. Do you know why that happens?

22 MR. BELLINDER: Object to the form.

23 A. Yes. Late night tension, alcohol.

24 MR. STEWART:

25 Q. Boys and girls?



1 A. Boys and girls.

2 Q. Was there an ongoing problem with  
3 you and any other person at Keesler involved  
4 in your security squad --

5 A. No, sir.

6 Q. -- before this incident?

7 A. No.

8 Q. Did you have a problem with a person  
9 at Keesler -- I mean from Keesler who was at  
10 the Hard Rock on the night of this incident?

11 A. Not that I remember.

12 Q. Do you remember this incident at  
13 all?

14 A. No, sir.

15 Q. Not anything?

16 A. Arriving.

17 Q. Okay. What time did you get off  
18 work?

19 A. It was approximately 11:00.

20 Q. Where did you go after that?

21 A. I went home.

22 Q. And what did you do there?

23 A. I changed.

24 Q. Where was your home?

25 A. It was in Gulfport.

1 Q. Where was that?

2 A. It was on the Biloxi/Gulfport line.

3 Would you like the address?

4 Q. Please.

5 A. 828 Oakleigh, O-A-K-L-E-I-G-H,

6 Avenue, Gulfport, Mississippi.

7 Q. Is that back behind Subway?

8 A. Yes, it is.

9 Q. You live north of Pass Road?

10 A. It's south towards the bay.

11 Q. Behind the Subway --

12 A. Yes. That's right.

13 Q. -- towards JD?

14 A. Yes, sir.

15 Q. Okay. Did you change clothes there?

16 A. Yes, I did.

17 Q. Did you pick up your wife?

18 A. Yes.

19 Q. And she was already home, or did you  
20 have to wait for her?

21 A. She was home.

22 Q. And what time did y'all leave your  
23 house?

24 A. I don't remember. I don't remember  
25 the time.

1 Q. Okay. Do you know what time you got  
2 to the Hard Rock?

3 A. I don't remember.

4 Q. Did you stay around the house for a  
5 little while, eat dinner or anything like  
6 that?

7 A. I think we left fairly quickly.

8 Q. Had you eaten dinner the day of this  
9 incident before you went?

10 A. I can't remember.

11 Q. Did you eat anything at the Hard  
12 Rock?

13 A. No, sir, not that I -- I don't think  
14 so.

15 Q. Whatever time you got there, you and  
16 your wife both got to the Hard Rock --

17 A. Yes, sir.

18 Q. -- where did y'all go at the Hard  
19 Rock?

20 A. What's that?

21 Q. Where did you go once you got to the  
22 Hard Rock property?

23 A. Then we went to The Ledge.

24 Q. You went straight into The Ledge?

25 A. Yes, sir.

1 Q. Do you recall going past security at  
2 the front entrance to The Ledge?

3 A. Yes, I do.

4 Q. How many security people were there?

5 A. I remember two working the ID stand  
6 and then just various...

7 Q. Do you recall seeing others inside?

8 A. Yes.

9 Q. Did they have blue uniforms, blue  
10 shirts?

11 A. It's like a -- it's either blue or  
12 purple.

13 Q. It's kind of a dark blue, lighter  
14 than your shirt you have on today --

15 A. Yes, sir.

16 Q. -- but like a blueish --

17 A. Yes, sir.

18 Q. You recognized them to be security  
19 personnel, correct?

20 A. Yes, sir.

21 Q. They're marked as security?

22 A. Yes.

23 Q. They had a little badge, insignia  
24 badge, do you remember seeing that?

25 A. I don't remember seeing it, but I

1 would assume so.

2 Q. Okay. There were -- so you saw  
3 several. You saw two, and there were some  
4 inside, also, inside The Ledge?

5 A. I don't remember any in The Ledge.  
6 I just remember seeing them just walking  
7 around the...

8 Q. The property?

9 A. Yes, sir. And then at the entrance.  
10 At the bottom of the stairs to The Ledge, I  
11 remember somebody checking IDs, I believe, but  
12 I don't remember any security guards upstairs.

13 Q. Do you recall it being the top of  
14 the stairs or the bottom of the stairs?

15 A. I don't recall for sure. I believe  
16 it was at the bottom.

17 Q. What did you do once you got there?

18 A. I believe I made contact with like  
19 the flight members that were there.

20 Q. Okay. Before I forget, did you know  
21 your wife was pregnant at that time?

22 A. I did not.

23 Q. Did your wife know she was pregnant?

24 A. No, she didn't.

25 Q. Had she ever told you that she

1 suspected that she was pregnant?

2 A. No, sir.

3 Q. Okay. Did you drink alcohol that  
4 night?

5 A. Yes, sir.

6 Q. How many drinks did you have?

7 A. I can't remember.

8 Q. Do you have any idea?

9 A. I have no idea.

10 Q. Whatever drinks you did drink, that  
11 was your decision to have it, correct?

12 A. Yes, sir.

13 Q. No one forced you or made you drink,  
14 did they?

15 A. That's right.

16 Q. Did your wife drink alcohol that  
17 night?

18 A. Not that I know of.

19 Q. Not any?

20 A. No, sir.

21 Q. Does your wife drink at all?

22 A. Rarely.

23 Q. Rarely?

24 A. Yes, sir.

25 Q. Are there any -- do y'all have

1 Facebook?

2 A. Yes, sir.

3 Q. Are there any pictures out there  
4 that show y'all with alcohol in your hands in  
5 those Facebook pictures?

6 A. I believe so.

7 Q. A lot of Facebook pictures with  
8 alcohol in them?

9 MR. BELLINDER: Object to the form.

10 A. I'm not sure, sir.

11 MR. STEWART:

12 Q. Okay. Do you know if your wife was  
13 abstaining from drinking for any particular  
14 reason around the time and up to this  
15 incident?

16 A. She was the driver.

17 Q. She was designated that night?

18 A. Yes, sir.

19 Q. This was your function, right?

20 A. That's right.

21 Q. She was gonna drive you home?

22 A. That's right.

23 Q. Your wife has had some injuries in  
24 the past, a bad car wreck a long time ago?

25 A. Yes, sir.

1 Q. Did she have any pain problems  
2 continuing because of that?

3 A. Nothing significant. Occasionally.

4 Q. Did she ever take aspirin, Motrin,  
5 Ibuprofen?

6 A. She doesn't take anything.

7 Q. No pain medications at all?

8 A. No, sir.

9 Q. Not even over-the-counters?

10 A. No.

11 Q. Does she take aspirin for headaches?

12 A. I'm not sure.

13 Q. Okay. She didn't take any regular  
14 medications before this incident?

15 A. No, sir.

16 Q. At what point do we have no memory?  
17 You've gotten to The Ledge. You recall  
18 ingesting some alcohol. You don't recall  
19 what. What's the last thing you remember?

20 A. I just remember socializing. The  
21 last thing I remember was having a great time,  
22 laughing and dancing. I was introducing my  
23 wife to some of the people that I worked with.  
24 I was brand new there, so it's kind of a -- I  
25 didn't really know anyone. It was kind of an



1 indoctrination, get to know everybody outside  
2 of work kind of a function.

3 Q. Can you remember as we're sitting  
4 here today who all was there, that you can  
5 recall?

6 A. The only people I knew, Sergeant  
7 Miller, he was the one that kind of put it all  
8 together.

9 Q. What's his first name?

10 A. Joshua.

11 Q. Is he still at Keesler?

12 A. No, sir. He is no longer in the  
13 military.

14 Q. Where is he now?

15 A. I'm not sure.

16 Q. Do you know where he's from?

17 A. I don't know.

18 Q. Do you remember anyone else who was  
19 present besides you and your wife?

20 A. Chris Soukup.

21 Q. Anyone else?

22 A. His wife, Kayla Soukup.

23 Q. Anyone else?

24 A. Al Nicholson, Shawn Hargraves.

25 Q. Do you recall these because they

1 were said in the deposition before, or do you  
2 specifically --

3 A. I do remember them. And then  
4 Courtney -- it was Courtney Nicholson at the  
5 time, but it's Courtney Drain.

6 Q. Courtney Nicholson, is that Al's  
7 ex-wife?

8 A. Yes.

9 Q. What is it now?

10 A. Drain.

11 Q. D --

12 A. D-R-A-I-N.

13 Q. Where is she?

14 A. I believe she's at Keesler, but  
15 she's leaving soon. She's changing stations.

16 Q. She's in the military?

17 A. Yes.

18 Q. So husband and wife were both in the  
19 military married?

20 A. That's right.

21 Q. And then they got divorced?

22 A. Yes.

23 Q. And he's -- Al is where?

24 A. I believe he's deployed right now,  
25 but I'm not sure where.

1 Q. What about Shawn?

2 A. He's here. He's at Keesler.

3 Q. Active duty?

4 A. Yes.

5 Q. Do you still see him?

6 A. No.

7 Q. Is he in a different flight or squad  
8 or squadron?

9 A. He is -- I have like a specialized  
10 job there, so I don't really see anybody that  
11 normally comes and goes from the squadron  
12 because I'm kind of excluded in the jail area,  
13 so I'm not exactly sure where anybody works.

14 Q. Anyone else you can recall who was  
15 present?

16 A. Well, I only know Dorack was there  
17 because of the video.

18 Q. We'll talk about him in just a  
19 second. I gave you the opportunity in the --

20 A. Sergeant Reimer, he was there.

21 Q. I'm sorry?

22 A. Sorry to interrupt. Sergeant  
23 Reimer, I remember he was there.

24 Q. I handed you the exhibits from Mr.  
25 Soukup's deposition, and you had a chance to

1 look over those?

2 A. Yes, sir.

3 Q. Do you need to look at them again to  
4 tell me whether you can identify any of the  
5 people depicted in those photos?

6 A. I mentioned everybody that I  
7 recognized from the photos.

8 Q. Okay. And you indicated that you've  
9 seen the video that shows Dorack?

10 A. That's right.

11 Q. Do you know who Dorack is now?

12 A. I've seen him around the squadron,  
13 but I don't know him on any level. I've  
14 never --

15 Q. You've never had any conversation  
16 with him since this incident whatsoever?

17 A. No, sir.

18 Q. You never said, hey, sorry about the  
19 other night or let's talk about the other  
20 night or anything like that?

21 A. Never brought it up.

22 Q. Okay. Do you know his first name?

23 A. I believe it's Wes, but I don't know  
24 if it's Wesley or anything other than that.

25 Q. Is he still at Keesler?

1           A.     I believe he is -- according to a  
2 list I've seen, I believe that he's on a team  
3 that's about to leave to go overseas.

4           Q.     To go where?

5           A.     I'm not sure.

6           Q.     When do they leave?

7           A.     They're in training to leave right  
8 now, so within the next couple of weeks.

9           Q.     Do you recall any of your  
10 interactions with Airman Dorack?

11          A.     I do not.

12          Q.     As we sit here right now, can you  
13 testify under oath that you were assaulted by  
14 him in any way, shape or form?

15          A.     Not that I can remember.

16          Q.     Having watched the video, did you  
17 see any evidence that he assaulted you?

18          A.     It appeared that way.

19          Q.     You saw him coming at you?

20          A.     Yes, sir.

21          Q.     Okay. Where did you see that in  
22 terms of the location that you saw on the  
23 video?

24          A.     I believe -- it looks like he comes  
25 out of the bathroom, and I'm standing adjacent

1 to the bar, and he approaches me from there,  
2 but there's sort of a group of people between  
3 us.

4 Q. What do you see on the video in  
5 terms of what he does?

6 A. Just looks like he's kind of just  
7 staring at me in a provoking manner, making  
8 hand gestures.

9 Q. Did you see him strike you?

10 A. No, sir.

11 Q. Make any physical contact with you  
12 at all?

13 A. Not that I'd seen.

14 Q. Did you make any physical contact  
15 with him?

16 A. I don't believe so.

17 Q. Did you strike him?

18 A. No, sir.

19 Q. And this is all just based on the  
20 video, you have absolutely no memory of the  
21 events?

22 A. I have no recollection.

23 Q. From that time that you remember  
24 having a good time and socializing --

25 A. That's right.

1 Q. -- from that time forward, do you  
2 have any memory whatsoever of this evening?

3 A. As I'm getting taken down the  
4 stairs, I can remember -- I remember brief  
5 like flashes of sort of like a flight -- fight  
6 or flight, where I just wanted -- I wasn't  
7 sure why everybody was on me, so I wanted to  
8 get everybody -- just everybody stop. Then I  
9 remember being in pain from the handcuffs and  
10 being dragged, so I was -- I can remember  
11 yelling "stop" or saying "no" to try to just  
12 -- I wanted the action to stop because I  
13 didn't understand what was going on, but it  
14 was only flashes of that. I can't remember  
15 any specific details.

16 Q. Do you own a bayonet?

17 A. No, sir.

18 Q. Have you ever had a bayonet?

19 A. No, sir.

20 Q. Have you ever possessed a bayonet?

21 A. No, sir.

22 Q. Do you recall telling any of the  
23 security people at Hard Rock that if you had a  
24 bayonet, you could cut their head off with  
25 expletives in the middle of that?

1 A. No, sir.

2 Q. Did you curse loudly at Hard Rock,  
3 curse at all at Hard Rock?

4 A. I don't remember.

5 Q. Is it possible given the  
6 circumstances that you cursed a lot at Hard  
7 Rock?

8 A. Possibly.

9 Q. Did you punch anyone at Hard Rock?

10 A. Not that I know of.

11 Q. Have you looked at the video to see  
12 -- to ascertain whether you struck anyone?

13 A. Yes.

14 Q. You didn't see any evidence that you  
15 struck anyone?

16 A. Yes.

17 Q. You did not or you did see --

18 A. I did.

19 Q. You saw evidence of who?

20 A. Of Alyssa --

21 Q. Okay.

22 A. -- on accident. I believe that she  
23 was -- I didn't know who she -- maybe I didn't  
24 know who she was at the time of what was going  
25 on. So I believe that due to the



1 circumstances of being provoked and kind of  
2 handled by security guards when I believed I  
3 didn't do anything wrong, that I thought maybe  
4 she was a security guard, and I was trying to  
5 get myself free from everybody that was around  
6 me.

7 Q. And you struck her in the face?

8 A. Yes.

9 Q. How many times did you swing at her?

10 A. I believe once, but I'm not sure.

11 Q. Did she get struck by anyone else  
12 that night?

13 A. I don't believe so.

14 Q. Did she get struck at any other  
15 time?

16 A. I'm not sure.

17 Q. Did you see any evidence that you  
18 pulled her to the ground?

19 A. I think we fell to the ground. I  
20 don't think I pulled her intentionally to the  
21 ground.

22 Q. Why did you fall?

23 A. I believe because of intoxication, I  
24 just lost my footing.

25 Q. Okay. Not because of anything on

1 the floor, you just were drunk, fell down?

2 A. Not that I know of. I don't know if  
3 there was anything on the floor or not.

4 Q. And Hard Rock personnel were not the  
5 first people that tried to control you, were  
6 they?

7 A. No.

8 Q. Did you consider any of the efforts  
9 to control you by Hard Rock something that  
10 caused provocation to you?

11 A. I believe everybody was probably  
12 slightly intoxicated, and I just wanted  
13 everybody to -- I would be fine if everyone  
14 would just back off and let me just be, and I  
15 believe they provoked me by just continuing to  
16 grab me or try to get me to do something when  
17 I didn't believe I was doing anything in the  
18 first place, so...

19 Q. That's what you thought at the time.  
20 Is that what you think now?

21 A. That's what I believe. I would  
22 think given my way of thinking now of how I  
23 would have possibly thought in the moment.

24 Q. Looking at it after the fact, how do  
25 you feel about it?

1           A.     Well, given the circumstances, I  
2     wish I would have just -- everything would  
3     have just dissolved and been calm and would've  
4     went on our ways.

5           Q.     For example, if someone would've  
6     brought you a wheelchair, you wish you  
7     would've gotten in the wheelchair and taken a  
8     ride home?

9           A.     Yes.

10          Q.     Was that opportunity presented to  
11     you?

12          A.     I am unsure.

13          Q.     You don't recall that from your  
14     actual memories?

15          A.     That's right.

16          Q.     Having seen the video, do you see a  
17     wheelchair brought to the area?

18          A.     I see it brought to the area, but I  
19     don't see any efforts past that.

20          Q.     You don't see any indication over by  
21     the column where people were kind of gathered  
22     around, and while they go get the wheelchair,  
23     they're bringing a wheelchair to get you in  
24     it, do you recall seeing that?

25          A.     I do, but it looks like it's wheeled

1 up, and then nothing really happens with it.

2 Q. At the time that Soukup is already  
3 over by the column, there's a female security  
4 officer there, a person. Do you recall that  
5 on the video?

6 A. In the video, yes.

7 Q. Just from the video. And this is  
8 the episode where I believe you indicated you  
9 see evidence you struck your wife?

10 A. Yes.

11 Q. Where did you hit her?

12 MR. BELLINDER: Object to the form.

13 MR. STEWART:

14 Q. What part of her body, if you  
15 recall?

16 A. I believe it -- accidentally in the  
17 face.

18 Q. Did she ever explain to you why she  
19 got down on top of you or close to you?

20 A. I believe that she -- me and her  
21 were the closest people to each other, so --  
22 everyone else's efforts were obviously  
23 failing, so maybe she thought she could talk  
24 to me, but at the same time, security was  
25 provoking me, so I didn't -- I was unsure of

1 what was happening.

2 Q. Do you remember that?

3 A. I don't. Just from the video.

4 Q. Okay. You're speculating as to what  
5 you were thinking?

6 A. Yes, my way of thinking now of how I  
7 think I would have thought during the  
8 incident.

9 Q. Did you strike any of your  
10 co-workers before that occurred?

11 A. No, sir.

12 Q. Not any?

13 A. No.

14 Q. And the only people involved in  
15 trying to -- that you saw on that video trying  
16 to control you and bring you -- subdue you  
17 were Hard Rock security people up until your  
18 wife got involved?

19 A. And Sergeant Reimer.

20 Q. Why was he trying to do that? Do  
21 you know?

22 A. Well, he is a police officer,  
23 civilian police officer, also, and so I  
24 believe that with his training, he was just  
25 doing what he would do and try to resolve the

1 situation.

2 Q. To try to keep anybody from getting  
3 hurt?

4 A. Yes, sir.

5 Q. Including you?

6 A. Yes.

7 Q. And there were Hard Rock security  
8 people engaged along with Sergeant Reimer at  
9 the time that your wife felt like she needed  
10 to do something, right, when she leaned down?

11 A. I believe so.

12 Q. She didn't feel like those guys  
13 could handle it better than her?

14 MR. BELLINDER: Object to the form.

15 A. I believe she could probably tell  
16 that I was scared and wasn't sure what was  
17 going on, and so she was just trying to help  
18 me and let me know that it was all right, and  
19 then it was just given the circumstances  
20 chaotic and out of control, so...

21 MR. STEWART:

22 Q. Do you recall swinging and striking  
23 anyone besides your wife at all?

24 A. No, sir.

25 Q. You haven't seen that anywhere on

1 the video?

2 A. No, sir.

3 Q. Did you see on video how you  
4 actually were controlled eventually inside The  
5 Ledge?

6 A. Yes, I believe so.

7 Q. What happened?

8 A. I believe I was eventually taken  
9 into the foyer area, and then a large security  
10 guard sat on me for an extended period of  
11 time.

12 Q. How long was that period of time?

13 A. According to the video, I believe  
14 it's about between 10 and 15 minutes.

15 Q. Did you ever see anybody tuck your  
16 arms under your body?

17 A. Not that I recall.

18 Q. Do you recall -- other than just  
19 looking at the video, do you recall that  
20 episode, the person was applying pressure to  
21 your -- was it on your back side or --

22 A. On my -- I was laying on my stomach,  
23 and the individual was on my back.

24 Q. On your back or on your rear end?

25 A. I think it was kind of a combination

1 of my rear end and lower back area.

2 Q. Okay.

3 A. It's hard to tell, and I can't  
4 remember.

5 Q. Do you recall your arms being tucked  
6 before that?

7 A. I can't recall.

8 Q. Have you ever used the maneuver like  
9 that in your pretend MMA career that you tuck  
10 the arms under somebody and put the -- or in  
11 your police career, frankly, to maintain  
12 somebody by tucking their arms and putting a  
13 knee on their back side?

14 MR. BELLINDER: Object to the form.

15 A. It just depends on -- depends on the  
16 individual that perceives a threat for them,  
17 but if you -- if you leave their arms under  
18 their body, you can easily bring them out or  
19 -- the best way would be to get their hands  
20 secured behind their back.

21 MR. STEWART:

22 Q. But you can do it by tucking if  
23 you've got enough -- if you had the ability to  
24 do that physically?

25 A. If you're -- you have to be a lot



1 bigger than them, but, yes.

2 Q. Was the person you saw in the video  
3 substantially larger than you?

4 A. Yes, sir.

5 Q. You indicated that happened -- that  
6 you stayed in that position for a long period  
7 of time. Do you recall how long it was?

8 A. I believe it was between 10 and 15  
9 minutes.

10 Q. You were on the floor in the foyer  
11 of The Ledge for 10 to 15 minutes?

12 A. As I -- I believe so, according to  
13 the video, but I'm not sure. I don't  
14 remember.

15 Q. So you're not sure about that  
16 answer?

17 A. That's right.

18 Q. It's just a matter of -- whatever  
19 the video shows is accurate, right?

20 A. That's right.

21 Q. Did you have any other -- other than  
22 the initial episode that you see Dorack come  
23 out of the bathroom, going back to that, did  
24 you have any other interactions with Dorack  
25 that you could see on that video?

1           A.     Not that I could see, just -- it's  
2     dark, and there's a lot of people, so it's  
3     hard to tell. You have to break it down.

4           Q.     Was he wearing a light-colored shirt  
5     that night or what?

6           A.     I don't remember, and I don't  
7     remember from the video either.

8           Q.     Okay. Can you remember anything  
9     about him at all?

10          A.     No, sir.

11          Q.     Do you remember his skin color?

12          A.     Caucasian. He's white.

13          Q.     What does he look like? You've seen  
14     him since then, right?

15          A.     Probably about six foot, brown hair,  
16     average build, maybe 160, 170 pounds, no  
17     identifying marks that I could see.

18          Q.     Other than the one episode where  
19     y'all kind of verbally engaged each other --  
20     is that correct? Is that an accurate  
21     description?

22          A.     Yes, sir.

23          Q.     No physical contact, or did you make  
24     contact with him that you know?

25          A.     I don't believe so. Not that I

1       seen. I don't remember.

2           Q.     Did some of your people in your  
3       group try to move you away from the area?

4           A.     I believe so. I think at that time  
5       I feel down. It looks like -- I think I  
6       remember seeing in the video that I had  
7       tripped and fell.

8           Q.     With your wife?

9           A.     That's right.

10          Q.     Okay. Then you get up?

11          A.     Yes, sir.

12          Q.     At that point, did you make an  
13       effort to go back toward Dorack, or did you go  
14       -- did you try to leave and go home?

15          A.     I can't remember.

16          Q.     Did people try to move you away from  
17       the area? Do you recall that?

18          A.     I don't remember.

19          Q.     Do you recall seeing that on the  
20       video?

21          A.     I can't -- I'm not exactly sure what  
22       happened even in the video at this point.

23          Q.     If the video shows you trying to  
24       turn and go back toward him, would that  
25       surprise you?

1 A. It may be that way.

2 Q. Okay. To your knowledge, did you  
3 have any additional interaction with him?

4 A. Not that I know of.

5 Q. Okay. Do you know what his duty  
6 assignment is?

7 A. I believe he's a -- he was a flight  
8 armer, so he worked in the -- he was in charge  
9 of issuing weapons before and after shift.

10 MR. STEWART: In regards to  
11 scheduling -- this can be off the record.

12 - - -

13 (Off the record.)

14 MR. STEWART:

15 Q. Jason, do you know if there's any  
16 indication that Hard Rock had any knowledge  
17 that the initial exchange between you and  
18 Airman Dorack was about to happen?

19 A. I don't believe so.

20 Q. Is there -- do you know if Airman  
21 Dorack has ever had any problems at the Hard  
22 Rock in the past?

23 A. Not that I know of.

24 Q. Have you ever had any such problems?

25 A. No, sir.

1 Q. Did you attempt to bring any sort of  
2 criminal charges against Airman Dorack?

3 A. No, sir.

4 Q. Did you -- were you involved in any  
5 investigation with regard to him?

6 A. No, sir.

7 Q. Do you know if there was such an  
8 investigation?

9 A. I don't know.

10 Q. Do you know if he had any discipline  
11 as a result of this incident?

12 A. I don't believe so.

13 Q. Do you know -- is it fair to say  
14 that he was in the Keesler security squadron,  
15 for lack -- am I saying that right? He was?  
16 Yes?

17 A. What's that?

18 Q. Was he in your squadron?

19 A. Yes, sir. The squadron is the  
20 overall -- everybody is a part of the  
21 squadron, and it's broken down into individual  
22 flights. The flights are like the shifts.

23 Q. Okay. So he was in your two or  
24 three hundred people squadron?

25 A. That's right. Yes.

1 Q. In a different flight?

2 A. Yes, sir.

3 Q. Mid shift?

4 A. That's right.

5 Q. Aside from the security personnel  
6 you've identified, was there anyone else in  
7 The Ledge that you're aware of that you know  
8 that night?

9 A. Charlie Wright. I remember him  
10 being there, but I don't -- I don't even  
11 remember talking to him or anything  
12 significant around -- during this --

13 Q. Charlie Wright?

14 A. Charles or Charlie Wright.

15 Q. Who was he?

16 A. He was just a member of my flight.

17 Q. So he was also there in response to  
18 this group, this party?

19 A. Yes, sir.

20 Q. Is it fair to say that everybody  
21 that was involved in this initial  
22 confrontation between you and Dorack, their  
23 response to that, up to the point that Hard  
24 Rock security entered The Ledge to respond to  
25 it was a member of your Air Force group?

1 A. Yes, sir.

2 Q. Okay. There were no outside people,  
3 no unexpected people got involved?

4 A. No, sir, not that I know of.

5 Q. Did your wife have any marks on her  
6 after this incident?

7 A. No, sir.

8 Q. She didn't have a bruise on her face  
9 or anything like that?

10 A. No, sir.

11 Q. What about you, did you have any  
12 visible injuries or marks?

13 A. Yes, I did.

14 Q. Where was that?

15 A. I had a -- I'm unsure of the word  
16 for it, but around my neck, where it looks  
17 like somebody had put their hands around your  
18 neck, like bruising. I had two black eyes.  
19 The bridge of my nose was black and blue and  
20 swollen. I had a taser burn on my back from  
21 getting drive stunned. My ear was bruised.  
22 It appeared that my tooth had almost went  
23 through my bottom lip. I had severe  
24 lacerations in the inside of my mouth. And  
25 just overall general -- around my wrists where

1 the handcuffs were, were cut. There was marks  
2 that were there for a while. My hands were  
3 numb. There was a spot on my head that was  
4 numb. Bruising all through my hair. It was  
5 just overall -- my whole face and neck and  
6 upper body area was covered in bruises.

7 Q. Did you have any stitches in your  
8 mouth?

9 A. No, sir.

10 Q. As we sit here now, do you have any  
11 memory of where any particular injury that you  
12 described at what point was incurred?

13 A. I do not.

14 Q. Having watched the video, do you  
15 have any specific memory of when the  
16 particular injuries that you described  
17 occurred, or do you have any -- do you  
18 visualize -- I say do you have any memory. Do  
19 you see -- without guessing, do you see  
20 specifically where things occurred on that  
21 video?

22 A. I believe perhaps when I was being  
23 carried out, it looked like I might have been  
24 a little heavy for them, so they would let me  
25 go in not such a nice fashion.



1 Q. Carried out from where?

2 A. Through the casino by Biloxi PD. So  
3 in the area from The Ledge out to the valet.

4 Q. Do you see any other injuries -- any  
5 other things on that film that you believe you  
6 can specifically tie a specific injury that  
7 you described?

8 A. Not specifically. I don't know.

9 Q. Has anyone else told you that they  
10 saw any particular thing happen to you that  
11 you tie to an injury?

12 A. No, sir.

13 MR. BELLINDER: Object to the form.

14 MR. STEWART:

15 Q. By that I mean the injuries you've  
16 described?

17 A. Right. No.

18 Q. Have you been back to the Hard Rock  
19 at all?

20 A. No, sir.

21 Q. Were you taking any medicine on the  
22 date of this incident before the incident?

23 A. No, sir.

24 Q. Nothing at all?

25 A. Nothing.

1 Q. Have you been drinking at all since  
2 this incident?

3 A. What's that?

4 Q. Have you been drinking at all since  
5 this incident, alcoholic beverages?

6 A. Have I had any since then?

7 Q. Have you continued to drink alcohol  
8 since then?

9 A. Yes, sir.

10 Q. How often do you drink now?

11 A. Just occasionally.

12 Q. Has anything about this incident  
13 affected your thought process on drinking and  
14 how much you drink?

15 A. Yes, sir. I went to ADAPT, which is  
16 like the Air Force version of like a AA of  
17 sorts. I was mandated to go there.

18 Q. What's it called?

19 A. It's called ADAPT, A-D-A-P-T. It  
20 was mandated that I go there.

21 Q. As part of your punishment?

22 A. That's right.

23 Q. Was there anything besides the hours  
24 of work and this mandate that happened as a  
25 result of this incident as punishment,

1 discipline?

2 A. Not that I can -- I don't think so.

3 Q. Did they explain to you why you had  
4 to go to ADAPT?

5 A. Anytime anyone is involved in an  
6 alcohol-related incident it's mandatory.

7 Q. It's mandatory?

8 A. That's right.

9 Q. Did you get a piece of paper that  
10 said this is your requirement as a result of  
11 this incident?

12 A. I believe it's stored in my -- maybe  
13 my military file, but I never received it  
14 personally.

15 Q. You saw earlier today there was an  
16 investigative report that we were talking  
17 about with regard to Mr. Soukup?

18 A. That's right.

19 Q. Do you have a similar investigative  
20 report that was done about you in regards to  
21 this incident?

22 A. Yes, sir, by my area defense  
23 counsel.

24 Q. Who was that?

25 A. Captain Cromwell, C-R-O-M-W-E-L-L, I

1 believe.

2 Q. And where is Captain Cromwell?

3 A. I am unsure if he's still at Keesler  
4 or not. He was my defense for my punishment  
5 proceedings only during that time.

6 Q. He was assigned by the military to  
7 defend you?

8 A. That's right. I believe he wrote a  
9 report of his findings.

10 Q. Okay. Do you know if that's been  
11 submitted to your personnel file or some other  
12 place?

13 A. I believe so, but I don't know.

14 Q. Do you know if there was an actual  
15 adjudication or the explanation of the facts  
16 that was documented in an investigative report  
17 at some point?

18 A. I'm not sure.

19 Q. Okay. Does your wife drink now?

20 A. Rarely.

21 Q. Occasionally?

22 A. Every now and then.

23 Q. What were you drinking on the night  
24 of this incident?

25 A. I think it was -- I remember having

1 beer and whiskey, but I can't remember  
2 specifics. I don't know.

3 Q. Beer, you'd have a drink and then  
4 another drink?

5 A. What's that?

6 Q. You would have -- you had a beer,  
7 and you recall at least one whiskey drink?

8 A. Yes.

9 Q. Do you remember anything else?

10 A. Not specifically.

11 Q. Okay. How were you paying for  
12 those?

13 A. I believe I took cash out, so I was  
14 paying with cash so I didn't have to use my  
15 debit card every time.

16 Q. Did anybody buy drinks for you?

17 A. Yes, but I can't remember who or  
18 what -- who bought them or what they were.

19 Q. People in your group?

20 A. That's right, because I was the  
21 brand-new guy, so...

22 Q. Did Soukup buy you any drinks?

23 A. I don't believe so, but I'm not  
24 sure.

25 Q. Do you recall anyone approaching you

1 and telling you to stop drinking so much?

2 A. I don't remember.

3 Q. Do you recall talking to the female  
4 that Soukup described who he sent over there  
5 to tell you to take it easy on your drinks and  
6 to put your money away?

7 A. No, sir.

8 Q. You don't recall that at all?

9 A. Not at all.

10 Q. Have you seen that on the video?

11 A. No, sir.

12 Q. Do you recall speaking to any of the  
13 security employees at the Hard Rock?

14 A. Maybe greeting them when I went in,  
15 but not specifically.

16 Q. After that, you have no memory of  
17 any of it?

18 A. That's right.

19 Q. What sort of medical treatment did  
20 you get after this incident?

21 A. I had a -- just reviewed and  
22 documented all my injuries. I had right wrist  
23 surgery for a navicular fracture. They took a  
24 -- they did a bone graft, took some bone out  
25 of the top of my wrist, put it in where the

1 break was and put four pins in there.

2 Q. Why did they have to do a bone  
3 graft?

4 A. I am not sure.

5 Q. Did you have any prior damage to  
6 your arm at that location?

7 A. No, sir.

8 Q. You didn't have any necrotic bone  
9 that had been there for a long time?

10 A. Not that I know of.

11 Q. What's your first memory after this  
12 incident?

13 A. I woke up at about 9:00 -- between  
14 9:00 and 10:00 in the morning in jail.

15 Q. Where were you located?

16 A. Harris County in a single cell by  
17 myself.

18 Q. Do you know if anyone assessed you  
19 medically at the jail?

20 A. I have no idea what happened to me.

21 Q. Before you woke up?

22 A. That's right.

23 Q. What about after you woke up?

24 A. No, no one assessed me after I woke  
25 up.

1 Q. How long were you in jail?

2 A. I don't know what time I got there,  
3 but I left between 9:00 and 10:00 in the  
4 morning.

5 Q. I meant to ask you this: Did you  
6 finish your ADAPT program?

7 A. Yes, I did.

8 Q. Did you get a graduation certificate  
9 or something that says --

10 A. I believe I got a certificate of  
11 completion or some kind of report of mental  
12 health findings or --

13 Q. That's in your file?

14 A. I believe so.

15 Q. Mental health findings?

16 A. It's like a -- not mental health but  
17 their -- I guess -- I don't know the -- their  
18 discovery or their --

19 Q. Assessment?

20 A. -- assessment of their findings with  
21 my dependency for alcohol.

22 Q. Is that something you still have in  
23 your possession?

24 A. I don't believe so. I believe it  
25 would be in my file. I don't think I ever got



1 anything handed to me.

2 Q. Did you request medical care at the  
3 jail?

4 A. Not once I woke up, but I don't know  
5 if I did during the night or not.

6 Q. Do you know if you woke up during  
7 the night?

8 A. I don't know.

9 Q. I'm asking from your memory. I'm  
10 not asking you to suppose or guess. When you  
11 were awake, did you ask for any medical  
12 assistance?

13 A. No, sir. I was mostly concerned  
14 that I had no idea why I was there, and I  
15 wanted to -- I didn't know where my wife was.  
16 I wasn't concerned about any of my injuries at  
17 that point. I was concerned about assessing  
18 the situation in general.

19 Q. All right. Before you went out that  
20 night, you put on your own clothes, right?

21 A. That's right.

22 Q. Did you put on underwear?

23 A. Yes.

24 Q. Did you have underwear on during  
25 this entire incident?

1 A. Yes, I did.

2 Q. Okay.

3 MR. BELLINDER: I'm going to object  
4 to the form on that last one, to the extent  
5 that's inconsistent with anything on the...

6 MR. STEWART:

7 Q. You've seen the video, right?

8 A. Yes, sir.

9 Q. Would you agree you didn't have your  
10 underwear on the whole time after this  
11 incident?

12 A. I believe they were on, but I think  
13 they came down.

14 Q. Not in the same location, but your  
15 memory is you had it on, it was just down your  
16 pants or something?

17 A. Yeah. That's right.

18 Q. Okay. Have you sought any sort of  
19 psychiatric care since this incident?

20 A. No, sir.

21 Q. Other than the treatment for your --  
22 it was your right wrist?

23 A. That's right.

24 Q. Did you receive any other type of  
25 surgery or recommendation with regard to any

1 procedures?

2 A. I had multiple x-rays, MRIs, CT  
3 scans for my shoulders and my head. They were  
4 monitoring for nerve damage, but the feeling  
5 ended upcoming back eventually.

6 Q. What feeling are you talking about?

7 A. I had numbness in both my hands and  
8 a spot on top of my head that was numb.

9 Q. Did they tell you why -- did they  
10 ever discern why that happened?

11 A. I believe they put it in words that  
12 I didn't understand so much, but it's in a  
13 report.

14 Q. What part of your body did they say  
15 they were concerned with? Your hand, your  
16 arms, your head, your neck?

17 A. They were concerned with like a --  
18 perhaps a concussion or some nerve damage in  
19 my hands, obviously the broken bone.

20 Q. How long until the numbness went  
21 away?

22 A. It was about six months.

23 Q. And was that after the last -- you  
24 had two surgeries or one?

25 A. I had two.

1 Q. Okay. The numbness went away after  
2 the last surgery?

3 A. It was in between the surgeries.

4 Q. Between. Okay. When was the last  
5 surgery?

6 A. I believe it was the fall of 2012.  
7 I can't remember the exact date.

8 Q. Did anyone tell you that you needed  
9 any additional medical treatment after that?

10 A. I don't believe so. Just as far as  
11 keeping -- followed up with the pushups, but  
12 nothing significant past that.

13 Q. Has anyone ever told you how much it  
14 cost to get this medical care?

15 A. No, sir.

16 Q. Have you ever seen any EOBs or  
17 bills?

18 A. I have seen some, but I never added  
19 it up.

20 Q. Do you still have those?

21 A. I don't believe all of them, but  
22 some of them.

23 MR. STEWART: Same request that Tere  
24 made. I know you're working on it.

25 MR. BELLINDER: Yeah. If you can

1 get those to us, whatever you have, if  
2 anything.

3 MR. STEWART:

4 Q. Have you -- and I'm sorry if I asked  
5 this already. Have you quantified whether you  
6 actually lost any wages as a result of this  
7 incident?

8 A. Just as far as not being able to go  
9 on the deployment that I was scheduled to go  
10 on.

11 Q. But you were able to go to your  
12 regular job, and you got paid for that?

13 A. Well, I was present for duty, but I  
14 wasn't able to perform my actual job.

15 Q. You didn't get paid for the 42 hours  
16 of discipline, did you?

17 A. Yes, I did.

18 Q. You got paid to do that?

19 A. Yes. And I was also on a suspended  
20 bus, which means if you get in trouble again,  
21 even a minor infraction, then you lose -- it  
22 would be called losing a stripe, so you'd lose  
23 a rank, a pay grade, but I had no further  
24 discipline issues, so after that period was  
25 over, I believe it was six months, then --

1 Q. They call it a bus?

2 A. Yes. I don't know what it means.

3 Q. And you didn't have any problems in  
4 that six months?

5 A. That's right. No problems.

6 Q. Have you had any since?

7 A. No, sir.

8 Q. You wouldn't be Airman of the  
9 Quarter if you had problems, would you?

10 A. I wouldn't assume so.

11 Q. Have you had any kind of accident or  
12 injury since this incident occurred?

13 A. No, sir.

14 Q. Do you recall going to Keesler  
15 emergency services two days after this  
16 incident?

17 A. Yes, I do.

18 Q. At that point, did you attribute any  
19 of your injuries to Airman Dorack?

20 A. Not at that time. I still didn't  
21 know what had happened. I hadn't seen the  
22 video.

23 Q. Did Airman Dorack touch you?

24 A. He never -- no. No, sir.

25 Q. He didn't cause any injury to you,

1 did he?

2 A. That's right. No.

3 Q. And other than your observations  
4 you've already described, you're not sure how  
5 or when those injuries occurred, the injuries  
6 you detailed to us, other than --

7 A. I don't know.

8 Q. -- somewhere in the course of the  
9 night?

10 A. That's right. I believe at some  
11 point being carried out from The Ledge to the  
12 police vehicle to -- I don't know what  
13 happened after that.

14 Q. Or before, other than what you  
15 described in terms of going in?

16 A. That's right.

17 MR. STEWART: Okay. Give me one  
18 more second. I may be at the end here.

19 - - -

20 (Off the record.)

21 EXAMINATION

22 BY MS. STEEL:

23 Q. Do you have an associate's degree?

24 A. No.

25 Q. Now, you got -- you were punished as

1 a result of the Hard Rock incident, correct?

2 A. That's right.

3 Q. What did you do that you were  
4 punished for?

5 A. I believe the charge was just  
6 disorderly conduct, but I am not sure if the  
7 -- I don't know if the military has a similar  
8 crime that correlates to a civilian crime that  
9 is worded differently, but I think that's what  
10 it was, something along those lines.

11 Q. So is it your understanding that  
12 that -- that drinking had anything to do with  
13 this punishment, your level of intoxication?

14 A. It probably had something to do with  
15 the influence of the decision.

16 Q. You don't know, though?

17 A. I don't know.

18 Q. Okay. What about the altercation  
19 between you and Dorack that involved -- that  
20 brought in others as well, was that connected  
21 to the punishment you received?

22 A. I don't believe so.

23 Q. And what about the fact that you  
24 were uncooperative with both casino security  
25 and the police, was that connected to your



1 discipline?

2 MR. BELLINDER: Object to the form.

3 A. I think so.

4 MS. STEEL:

5 Q. You do?

6 A. I'm not sure.

7 Q. Well, what is your understanding of  
8 that?

9 A. Will you restate it, please?

10 Q. Well, I'm asking you if your conduct  
11 with the police and with Hard Rock Casino  
12 security was connected to why you got  
13 punished?

14 A. It was really up to my commander, so  
15 I'm not sure what his justification was to his  
16 thoughts. I can speculate on what he thought,  
17 but I'm not sure what --

18 Q. Well, did he ever tell you why you  
19 were being punished?

20 A. It was -- they just offer you the  
21 Art 15. You were -- you were being tried  
22 under Article 92, failure to obey whatever  
23 lawful order. Whatever the article was, I'm  
24 not sure exactly but -- I lost my train of  
25 thought.

1 Q. Were you charged with failure to  
2 obey an order?

3 A. No.

4 Q. Do you agree with me that you did  
5 not cooperate with Hard Rock Casino security?

6 MR. BELLINDER: Object to the form.

7 A. I'm not sure.

8 MS. STEEL:

9 Q. Why aren't you sure?

10 A. I believe it's the -- just the  
11 circumstances surrounding the event, that I  
12 didn't believe I had done anything wrong to  
13 warrant casino security to be involved with me  
14 in the first place. I just wanted everybody  
15 to calm -- like everyone be calm, but I think  
16 everyone was very provoking up in my personal  
17 space, that maybe that's why I felt attacked  
18 or --

19 Q. I understand that's how you felt,  
20 but that's not what I'm asking.

21 A. Okay.

22 Q. What I'm asking is were you  
23 cooperative with Hard Rock Casino security?

24 MR. BELLINDER: Object to the form.

25 A. I don't remember, but according to

1 the video, it looks like no.

2 MS. STEEL:

3 Q. And were you cooperative with the  
4 Biloxi police officers who came to the Hard  
5 Rock?

6 MR. BELLINDER: Object to the form.

7 A. Again, I don't remember from memory,  
8 but according to the video -- in my -- in my  
9 experience I was cooperative with them.

10 MS. STEEL:

11 Q. What do you mean in your experience  
12 you were cooperative?

13 A. Well, I think their force -- the way  
14 they handled the incident was over the top.  
15 They had plenty of people to reconcile the  
16 situation without...

17 Q. Okay. Let's go to -- you saw the  
18 video, correct?

19 A. Yes.

20 Q. Okay. Did you see yourself  
21 struggling with the three Biloxi police  
22 officers who arrived at the Hard Rock?

23 A. Maybe minimally right when they  
24 first arrived, but it's hard to tell in the  
25 video.

1 Q. So you were minimally struggling.  
2 What did you see yourself doing?

3 A. It's hard to say, but it looks like  
4 when the security guard gets off me, that's  
5 when the Biloxi police arrive, and it looks  
6 like maybe when they try to change custody  
7 from the security guard to the police officer,  
8 that I might have tried to move around or get  
9 away because, again, I didn't believe I had  
10 done anything, so --

11 Q. Well, you're a police officer  
12 yourself, right?

13 A. That's right.

14 Q. And when a person that you're trying  
15 to arrest believes that he hasn't done  
16 anything wrong and so he's moving around, do  
17 you call that resisting arrest?

18 A. Yes --

19 Q. Okay.

20 A. -- if his arrest is warranted.

21 Q. Okay. Do you know what you were  
22 charged with?

23 A. Disorderly conduct, resisting arrest  
24 and public intoxication.

25 Q. Well, were you publically drunk?

1 A. Yes.

2 Q. Were you disorderly?

3 A. I believe there was actions that led  
4 to being disorderly, so, yes.

5 Q. Okay. And hold on a second.

6 Now, the third charge, I'll get to  
7 that. I don't recall it right now.

8 Resisting arrest, you've already  
9 told me that you saw yourself struggling with  
10 the police officers?

11 A. Yes.

12 Q. You saw how you were carried out of  
13 the casino?

14 A. That's right.

15 Q. Do you believe that you would have  
16 been carried that way had you gotten up and  
17 walked?

18 A. Well, it appeared to me that I was  
19 unable to walk and wasn't really given the  
20 opportunity because I was being dragged.

21 Q. You were given the opportunity; were  
22 you not?

23 A. Well, I attempted to stand up, and  
24 then at that time is when my -- they just kind  
25 of took off walking, and my pants were pulled

1 down.

2 Q. Could you walk?

3 A. I don't know.

4 Q. Were you physically capable of  
5 walking?

6 A. I don't know.

7 Q. Well, had you -- why is it -- tell  
8 me this, why is it that you can't remember  
9 events that occurred at the Hard Rock?

10 A. Because I was intoxicated.

11 Q. Okay. And how many drinks did you  
12 have?

13 A. I don't know.

14 Q. And you said you attended the ADAPT  
15 class?

16 A. That's right.

17 Q. I may have pronounced that  
18 incorrectly. But on the certification, you  
19 said they made findings about --

20 A. Well, they evaluate your lifestyle,  
21 your drinking, and then they determine whether  
22 you need to stay in the class for a longer  
23 period of time or go to rehab or go -- they  
24 place you in a bracket of some sort to  
25 determine the level of help you needed, so...

1 Q. And what were their findings with  
2 regard to you?

3 A. I had six -- I believe six mandatory  
4 meetings, and then the findings came back that  
5 I no longer -- they felt that their treatment  
6 was complete.

7 Q. In your past, have you ever had a  
8 problem with your drinking?

9 A. No, ma'am.

10 Q. Have you ever had a problem with  
11 drinking until you are intoxicated?

12 A. Intoxicated, yes, but not to that --  
13 not to that point of not remembering.

14 Q. Okay. So you think your -- to you,  
15 your conduct, your level of intoxication at  
16 the Hard Rock was something unusual?

17 A. That's right.

18 Q. And that is why you can't remember?

19 A. Yes.

20 Q. Is there any reason that you think  
21 you might have been physically unable to walk  
22 when the police got you up?

23 A. Maybe just the level of  
24 intoxication, maybe being unable to walk  
25 because of that. I don't know if I had had

1 any injuries at that point, a concussion or  
2 anything that would make me unable to walk  
3 because I hadn't been evaluated by medical  
4 personnel at that time.

5 Q. Okay. So you might have suffered a  
6 concussion before the police arrived?

7 A. I am unsure.

8 Q. Well, did you just -- I judge by  
9 your previous answer that you consider it a  
10 possibility?

11 A. A possibility, but I don't know.

12 Q. Okay. And is that from the  
13 altercation at the casino?

14 A. Maybe with security or falling down  
15 or something like that.

16 Q. You fell down with security?

17 A. Well, I fell on my own, and then I  
18 believe I fell with security, and they pinned  
19 me down. Maybe I was in a state of  
20 semi-unconsciousness when he was sitting on me  
21 or I fell asleep or something like that  
22 because I wasn't really moving around, so --  
23 and then the next time I moved was when Biloxi  
24 got there, and so maybe I was shocked and  
25 surprised and didn't understand why I wasn't



1 being medically evaluated or why they didn't  
2 attempt to put me in a wheelchair or why they  
3 didn't bring in the stretcher that they had  
4 outside in the valet area before they moved  
5 me.

6 Q. So you agree with me that according  
7 to the video, the Hard Rock surveillance  
8 video, you were not unconscious when the  
9 Biloxi police officers arrived?

10 MR. BELLINDER: Object to the form.

11 A. I'm not sure.

12 MS. STEEL:

13 Q. Did you see yourself moving around  
14 when the Biloxi police officers were at The  
15 Ledge?

16 A. When they got there, but not for the  
17 -- minimally during the 10 to 15 minutes where  
18 I was under the custody of security.

19 Q. Say that again.

20 A. I was minimally moving when I was  
21 under the custody of security before Biloxi PD  
22 got there, the 10 to 15 minutes where I was on  
23 the ground with the guy on top of me. So I  
24 don't know if at that point I fell asleep or  
25 was unconscious or -- I have no idea.

1 Q. Do you have any reason to believe  
2 that you fell asleep when the security guard  
3 had you on the floor and was on top of you?

4 A. I wasn't moving, so I don't know if  
5 I --

6 Q. Well, do you think maybe you weren't  
7 moving because he was holding you down?

8 A. Well, I could still move my feet or  
9 try to get up or anything, but I didn't try to  
10 fight him or resist him at any further point.

11 Q. And then when the police officers  
12 came, you did move around?

13 A. That's right.

14 Q. You saw yourself move on the video?

15 A. Yes.

16 Q. So doesn't that indicate that you  
17 were not unconscious?

18 MR. BELLINDER: Object to the form.

19 A. It would indicate I was unconscious  
20 at that time when they -- when Biloxi got  
21 there, but I don't know between those 10 to 15  
22 minutes if I was conscious or not.

23 MS. STEEL: Would you read his  
24 answer back, Jenny?

25 - - -

1 (Whereupon, the answer was read back  
2 by the reporter.)

3 MS. STEEL:

4 Q. Are you saying that you were  
5 unconscious when Biloxi police arrived or not?

6 MR. BELLINDER: Object to the form.

7 A. In the 10- to 15-minute period  
8 before they got there, possibly, but when they  
9 arrived right before handcuff -- or tasing  
10 and handcuffing me, I was obviously awake at  
11 that time.

12 MS. STEEL:

13 Q. All right. Thank you.

14 Do you know that you were charged  
15 with resisting arrest, public drunk and  
16 disorderly conduct?

17 A. Yes.

18 Q. Did you ever go to trial on those  
19 charges?

20 A. No, ma'am.

21 Q. What happened to those charges?

22 A. They were nolle prossed.

23 Q. Nolle prossed?

24 A. Yes.

25 Q. By whom?

1           A.     I went to -- I'm not sure what the  
2 office is right over here.

3           Q.     City court?

4           A.     Yes. And I submitted my -- they  
5 submitted something to the judge, and then I  
6 got a letter in the mail a few weeks later  
7 that they had nolle -- whatever, nolle  
8 proessed, not prosecuted.

9           Q.     Do you still have that letter?

10          A.     Yes, I do.

11          MS. STEEL: We ask that that be  
12 produced.

13          MS. STEEL:

14          Q.     All right. So you -- what does  
15 nolle proessed mean?

16          MR. BELLINDER: Object to the form.

17          A.     I believe it means not prosecuted.

18          MS. STEEL:

19          Q.     Okay. So you were not prosecuted?

20          A.     That's right.

21          Q.     You went to court, though?

22          A.     No. I never went to court.

23          Q.     Never went to court?

24          A.     (Shakes head negatively).

25          Q.     Why didn't you go to city court?

1 MR. BELLINDER: Object to the form.

2 A. I was never given a court date or --  
3 I can't remember exactly what had happened,  
4 but I know I had received my bail money back  
5 and then submitted a letter to the -- or the  
6 judge, whatever he did, and then I got the  
7 letter in the mail.

8 MS. STEEL:

9 Q. You submitted a letter to the judge?

10 A. No. I went to the court over here,  
11 and then I talked to the lady working the  
12 desk, and she said it was up to the judge. I  
13 don't -- I don't -- I don't know the  
14 proceedings or the way it works.

15 Q. Well, did you submit a letter to the  
16 court?

17 A. No.

18 Q. Did you have an attorney?

19 A. No.

20 Q. Did the military prosecute you on  
21 those charges?

22 A. I believe they took jurisdiction.

23 Q. Of all of the charges?

24 A. Yes.

25 Q. And how did you know that to be the

1 case? How did you learn of that?

2 A. I had to meet with my commander.

3 Q. And who is your commander?

4 A. It was Major Pignataro at the time.

5 Q. And what did y'all discuss in that  
6 meeting?

7 A. It was very formal, so I went in,  
8 stood in front of his desk. He read his  
9 findings, offered me the Art 15. I could  
10 either accept the punishment he was offering  
11 or I could decline it and then I could take it  
12 to a court-martial.

13 Q. So it's your understanding that the  
14 Article 15 that you received was the  
15 military's determination of the charges of  
16 resisting arrest, disorderly conduct and  
17 public drunk?

18 MR. BELLINDER: Object to the form.

19 A. I believe so, but I think they  
20 dropped everything except disorderly conduct,  
21 I believe. It was either disorderly conduct  
22 or public drunk that was still there, but they  
23 dropped resisting arrest and the other --  
24 whatever other one that they dropped. I'm not  
25 sure exactly what one.

1 MS. STEEL:

2 Q. And when you went in and talked to  
3 the clerk at city court, were you telling her  
4 that this is what you wanted to happen, that  
5 you wanted the military to take jurisdiction  
6 of these charges?

7 A. I believe my commanders or the JAG  
8 office, legal office had submitted a request  
9 to the court, Harrison County or the city, to  
10 request jurisdiction, and the city granted  
11 jurisdiction to the military.

12 Q. Do you have a copy of that letter?

13 A. I believe so.

14 MS. STEEL: We ask that that be  
15 produced as well.

16 MS. STEEL:

17 Q. Do you have any other documents that  
18 go along with the Article 15?

19 A. I would have to look. I'm not sure.

20 Q. When you went to the clerk -- I  
21 thought you first said that you wrote a  
22 letter.

23 A. I misworded -- I never wrote a  
24 letter. I meant that the judge -- or the  
25 judge sent me a letter. I don't know if the

1 clerk had to submit something, but I never  
2 submitted anything.

3 Q. Okay. And you'll look for all those  
4 documents and give them to your attorney?

5 A. Yes.

6 Q. Okay. Great.

7 Have you ever been convicted of a  
8 misdemeanor or a felony either before 11/27/11  
9 or after?

10 A. No, ma'am.

11 Q. Did you have anything to drink  
12 before you went to the Hard Rock?

13 A. I believe I had one drink before we  
14 left, and then my wife drove.

15 Q. What did you have?

16 A. Whiskey and -- I can't remember the  
17 mixer.

18 Q. Did Alyssa have anything to drink --

19 A. No, ma'am.

20 Q. -- at the house?

21 A. No.

22 Q. Did you take any medication that day  
23 or night?

24 A. No, I didn't.

25 Q. Now, who were you meeting at the



1 Hard Rock?

2 A. Just my flight members in general.

3 Q. And you've already given us their  
4 names?

5 A. That's right.

6 Q. All right. Is it your recollection  
7 that you went to The Ledge and you didn't go  
8 anywhere else during the entire time you were  
9 at the casino?

10 A. That's right.

11 Q. Are you right-handed or left-handed?

12 A. Right-handed.

13 Q. Okay. And you've seen the video?

14 A. Yes.

15 Q. And you don't -- do you recall what  
16 Dorack was wearing?

17 A. I don't recall.

18 Q. Was he on the floor with you?

19 A. No.

20 Q. He never was?

21 A. No, not that I -- not that I  
22 remember. I don't believe so.

23 Q. When you watched the video, did you  
24 see another person on the floor with you who  
25 was not casino security or Alyssa Jordan?

1 A. Sergeant Reimer.

2 Q. Reimer?

3 A. That's right.

4 Q. And what was Reimer wearing?

5 A. I think jeans and just a button-up,  
6 but I can't remember what color it was.

7 Q. Was it dark colored or light  
8 colored, his shirt?

9 A. I can't remember. I think it was  
10 light colored.

11 Q. Do you remember anyone you were with  
12 wearing a vest of any sort?

13 A. No.

14 Q. And you have no recollection of  
15 being tasered by the Biloxi police?

16 A. No.

17 Q. Is it your understanding that the  
18 police attempted to handcuff you when they  
19 first arrived?

20 A. Yes.

21 MR. BELLINDER: Object to the form.

22 MS. STEEL:

23 Q. So when you were moving around, you  
24 were trying to keep from being handcuffed?

25 A. Yes.

1 Q. And according to the video, once the  
2 taser was applied, you were then -- they were  
3 then able to handcuff you?

4 MR. BELLINDER: Object to the form.

5 A. It's hard to see in the video, but  
6 it appears that way.

7 MS. STEEL:

8 Q. Okay. In looking at the video, when  
9 you were in the bar on the floor, did you see  
10 your pants fall down there?

11 A. No. I don't believe they fell down  
12 there. I think my shoes came off there.

13 Q. How did your shoes come off?

14 MR. BELLINDER: Object to the form.

15 A. I'm not sure.

16 MS. STEEL:

17 Q. What kind of shoes were they,  
18 lace-up or slip-on?

19 A. They were slip-on, skateboard shoes.

20 Q. You don't have any personal  
21 knowledge of what occurred between the Biloxi  
22 Police Department and Alyssa Jordan?

23 A. Not -- no, not personally.

24 Q. Have your pants ever fallen down  
25 before?

1 A. No.

2 Q. Were your pants too large?

3 A. No.

4 Q. Were they loose?

5 A. No.

6 Q. Have you ever mooned anybody?

7 A. No.

8 Q. Have you ever run around naked  
9 outside?

10 A. No.

11 Q. Now, you said you had two black  
12 eyes?

13 A. That's right.

14 Q. And was that noted on the medical  
15 records?

16 A. I believe so.

17 Q. Did you take any photographs of your  
18 injuries?

19 A. Yes, I did. I took photographs from  
20 the day after until the bruising went away.

21 Q. Where are those photographs now?

22 A. I have them at home.

23 Q. Who took them?

24 A. I took them.

25 MS. STEEL: We need those produced

1 as well, Thomas.

2 MS. STEEL:

3 Q. Two black eyes, obviously that's  
4 resolved?

5 A. That's right.

6 Q. Any permanent damage from those  
7 black eyes?

8 A. No.

9 Q. Okay. You said the bridge of your  
10 nose was black and swollen?

11 A. That's right.

12 Q. Has that resolved?

13 A. Yes.

14 Q. Any permanent damage from that?

15 A. Not that I know of.

16 Q. Okay. Well, you had a CT scan of  
17 your head, right?

18 A. Yes.

19 Q. Wasn't it essentially normal?

20 A. I believe so.

21 MR. BELLINDER: Object to the form.

22 MS. STEEL:

23 Q. What was your answer?

24 A. I believe so.

25 Q. Okay.

1           A.     I haven't seen the results, but from  
2     what I can remember.

3           Q.     Is that what they told you?

4           A.     As far as I can remember, yes.

5           Q.     You would expect the doctors to tell  
6     you if your CT scan was not normal?

7           A.     I would hope so.

8           Q.     Yeah. Me, too.

9                 All right. You said your ear was  
10    bruised. Has that resolved?

11          A.     Yes, it has.

12          Q.     Any permanent damage?

13          A.     No.

14          Q.     Taser marks, have those gone away?

15          A.     I believe -- the mark went away, but  
16    I'm not sure if there's a scar or not.

17          Q.     Okay. Why would you have a scar?

18          A.     It burned me.

19                 MR. BELLINDER: Object to the form.

20    MS. STEEL:

21          Q.     Burn?

22          A.     (Nods head affirmatively.)

23          Q.     Handcuff marks, have those gone  
24    away?

25          A.     Yes. I think there's light

1 scarring, though.

2 Q. Show us.

3 A. I believe you have to look pretty  
4 hard, but there's two lines from the  
5 handcuffs. One was there, one was there  
6 (indicating). It's hard to see.

7 Q. I don't see them. Were they ever  
8 more pronounced than what they are now?

9 A. They were, yes.

10 Q. You can't see them anymore with  
11 ease?

12 A. Right.

13 Q. Okay. And you said the feeling has  
14 come back into your hands?

15 A. Yes.

16 Q. All right. Your head, you said part  
17 of it was numb?

18 A. That's right.

19 Q. Was that up around the hairline?

20 A. It was just on one side. It was  
21 kind of like a softball size, like my head had  
22 gotten hit on something. I don't know what it  
23 was from, but --

24 Q. Was it on the side of your head or  
25 the back?

1           A.     It was kind of on the top, just sort  
2 of (indicating) --

3           Q.     Top, and that's the right side --

4           A.     That's right.

5           Q.     -- top right?

6                     And has the feeling returned to your  
7 head?

8           A.     Yes.

9           Q.     You said you were bruised into your  
10 hairline, and have the bruises -- has the  
11 bruise resolved?

12          A.     Yes.

13          Q.     The only injury you have that has  
14 not resolved is your right wrist?

15          A.     That's right. And then I also had  
16 like a skid mark -- skinned my elbow, so  
17 there's a scar from that. I forgot that.  
18 There's pictures of that, also.

19          Q.     Yeah. You'll get us those.

20                     You testified that you occasionally  
21 drink, and could you tell me what frequency  
22 occasionally means to you?

23          A.     Maybe -- maybe a few beers on my day  
24 off or like holidays or events.

25          Q.     To mean once a week?



1 A. Yes.

2 Q. Once a week?

3 A. That's right.

4 Q. And what do you drink when you  
5 drink?

6 A. Beer.

7 Q. Have you been hospitalized because  
8 of any injury you suffered on 11/27/11?

9 A. As far as like an extended stay  
10 or -- only for the surgeries, same-day  
11 surgeries.

12 Q. Was it outpatient surgery?

13 A. Yes.

14 Q. So you haven't been admitted to the  
15 hospital?

16 A. Right.

17 MS. STEEL: Almost through, Thomas,  
18 if you'll just give me a second.

19 MS. STEEL:

20 Q. You testified that you had a  
21 previous injury to your right wrist when you  
22 were MMA grappling?

23 A. It was more like just a wrestling  
24 thing but --

25 Q. When was that?

1           A.     It was -- I can't -- I can't  
2     remember the date. It was prior to coming  
3     into the military. So prior to 2010. Maybe  
4     2009, 2008. I can't remember.

5           Q.     One of those years you think?

6           A.     That's right.

7           Q.     Yes?

8           A.     Yes.

9           MS. STEEL: That's all I have.

10                   - - -

11                   EXAMINATION

12     BY MR. CLARK:

13           Q.     I've got some. I took a note  
14     earlier. I'm not trying to stick on the  
15     pants, but I noticed you said pulled down.  
16     Are you saying that somebody pulled your pants  
17     down? Do you recall that?

18           A.     I don't recall how they -- I'm not  
19     sure how they came down. I don't know if it's  
20     on the video or not.

21           Q.     Do you think that somebody pulled  
22     them down?

23           A.     I think they may have came off when  
24     I was being taken down the stairs by my arms,  
25     and my feet were dragging, so maybe they got

1 caught on -- I don't know if there's any kind  
2 of grips or something on the stairs that go up  
3 to The Ledge, but maybe they got hung up on  
4 there, and as each stair went, they came a  
5 little farther down.

6 Q. You didn't see anybody in the video  
7 pull them down?

8 A. No.

9 Q. I think you also testified earlier  
10 that maybe you hadn't drank to this level of  
11 intoxication before?

12 A. Right.

13 Q. When you have drank before, had you  
14 ever had memories missing the next day of any  
15 parts of the night before that you couldn't  
16 recall?

17 A. No, sir.

18 Q. That had never occurred?

19 A. That never occurred.

20 Q. This was the first time you had an  
21 issue recalling the events of the night when  
22 you had been intoxicated?

23 A. That's right. That's the first time  
24 I ever went to a nightclub before, so...

25 Q. Do you have any independent

1 recollection of what Josh Hamilton -- any  
2 injuries that he may have caused you that  
3 you've alleged in this lawsuit?

4 A. I don't know exactly where along the  
5 course the injuries occurred, so I'm not -- so  
6 I don't know if -- his exact role in injuries  
7 or --

8 Q. Do you even know who Josh Hamilton  
9 is?

10 A. Yes, I do. Prior Security Forces at  
11 Keesler.

12 Q. But on this night, do you know --

13 A. I don't remember. I didn't know who  
14 he was. I don't remember even seeing any  
15 Biloxi police.

16 Q. Have you seen the video?

17 A. I've seen the video, yes. I know  
18 who he is in the video, but not from my  
19 memory.

20 Q. Who do you think he is in the video?

21 A. He's wearing the hat.

22 Q. Okay.

23 A. And --

24 Q. Based on statements made in your  
25 complaint, after reviewing the video, do you

1 still agree with your allegations against Josh  
2 Hamilton?

3 A. He was also the one that tased me,  
4 so, yes, I believe so.

5 Q. You agree with everything written in  
6 this complaint alleged against Josh Hamilton?

7 MR. BELLINDER: Object to the form.

8 A. Yes.

9 MR. CLARK:

10 Q. Okay. I'll just ask this one more  
11 time maybe in a different way, but this  
12 complaint, is it in your mind an accurate  
13 depiction of what Josh Hamilton did on the  
14 night that this incident occurred?

15 A. Yes.

16 MR. BELLINDER: Object to the form.

17 MR. CLARK:

18 Q. When you were -- you said you had a  
19 medical -- you went to some doctor -- I think  
20 -- some emergency care; is that right?

21 A. I went to a Keesler emergency room.

22 Q. And Dr. Cromwell, is that who  
23 checked you out initially?

24 A. He was actually my area defense  
25 counsel.

1 Q. I'm sorry. I don't know if I wrote  
2 his name down. Do you recall who you saw  
3 initially right after this incident occurred?

4 A. I can't recall. It's just the ER  
5 doctor, not my regular provider, so I can't  
6 remember who it was.

7 Q. You may have said this earlier, but  
8 did you give them any indication or did -- let  
9 me back up. Did they give you any indication  
10 of how you might have got two black eyes and a  
11 -- was your nose broken, did you say?

12 A. It wasn't broken. It was just  
13 swollen across the bridge.

14 Q. Did they give you any indication of  
15 how that may have occurred?

16 A. They didn't state it to me. I don't  
17 know if they put it in their notes or reports  
18 or anything.

19 Q. Did you tell them how you thought it  
20 occurred?

21 A. No.

22 Q. And you don't recall specifically  
23 from your independent recollection, do you?

24 A. No.

25 MR. CLARK: I think you covered most

1 everything else. That's all I have.

2 - - -

3 EXAMINATION

4 BY MR. BELLINDER:

5 Q. Just a few questions, just so we're  
6 clear. You've been asked several times in  
7 several different ways about at what point you  
8 remember and don't remember certain things  
9 about that night, and it's my recollection of  
10 the testimony you remember up until being at  
11 the bar and having some drinks and some fun,  
12 some good times with the folks there?

13 A. Right.

14 Q. But you don't recall the actual  
15 incident involving Airman Dorack or any type  
16 physical altercation with them?

17 A. That's correct.

18 Q. You recall at some point possibly  
19 waking up and having some type of foggy  
20 memories of being drug down the stairs or at  
21 some point being in some pain --

22 A. That's right.

23 Q. -- but nothing specific?

24 And the next specific memory that  
25 you had was waking up in the jail cell at 9:00

1 or 10:00 a.m.; is that right?

2 A. Yes.

3 Q. And so any testimony that you give  
4 regarding events of what actually occurred or  
5 what you feel like or what you've seen as  
6 taking place comes from looking at the video?

7 MR. STEWART: Object to the form.

8 MR. BELLINDER:

9 Q. Is that right?

10 A. That's correct.

11 Q. Okay. And you don't have any  
12 medical background; is that right?

13 A. That's right.

14 Q. You've never been trained -- never  
15 been to medical school?

16 A. Right.

17 Q. You've never been trained as to  
18 medicine or any type medical issue, correct?

19 A. That's correct.

20 Q. And so when we're talking about your  
21 state of consciousness, whether you were  
22 conscious or unconscious, you don't have any  
23 specific training or ability to speak on that;  
24 is that right?

25 MR. STEWART: Object to the form.



1 A. Yes, sir.

2 MR. BELLINDER:

3 Q. When it comes to voluntary versus  
4 involuntary physical movements, do you have  
5 any training or ability to speak on that?

6 MS. STEEL: Object to the form.

7 MR. BELLINDER:

8 Q. Have you ever been trained on  
9 whether or not a movement by a person by  
10 looking at them on a video is voluntary versus  
11 involuntary?

12 A. No.

13 Q. Have you ever been trained that  
14 someone can have involuntary movements while  
15 unconscious?

16 MR. STEWART: Object to the form.

17 MS. STEEL: Object.

18 A. I've never been trained on that.

19 MR. BELLINDER:

20 Q. And then for the record, you're  
21 gonna find us, if you can, the nolle pros  
22 letter that was sent to you by the judge, the  
23 letter where the military accepted  
24 jurisdiction and any photographs you have and  
25 any bills that you may have in your

1 possession; is that right?

2 A. That's right.

3 MS. STEEL: Anything he has related  
4 to Article 15.

5 MR. BELLINDER: Right.

6 MR. BELLINDER:

7 Q. And, also, anything you have related  
8 to the Article 15 proceedings by the military?

9 A. Yes.

10 MR. BELLINDER: That's all I have.

11 - - -

12 (Off the record.)

13 EXAMINATION

14 BY MR. CLARK:

15 Q. On base, do you use tasers? Do the  
16 officers use tasers?

17 A. Yes, we do.

18 Q. Do you use a taser?

19 A. I don't use one. I use a baton.

20 Q. Have you had any training with  
21 tasers?

22 A. No, not certification training, just  
23 seeing them being around in general, but not  
24 where I can say I'm certified on them.

25 - - -

## EXAMINATION

BY MR. STEWART:

Q. Have you ever been tased in that process?

A. No, sir. That was --

Q. Have you ever done it just with other guys around just to see what it feels like?

A. No.

Q. This is the only time in your life you've ever been tased was the night of this incident?

A. That's right.

MS. STEEL: I do want to state that I would like to recess the deposition pending getting these things because I may have more questions.

MR. BELLINDER: We won't object to that.

--

(Deposition recessed at 4:54 p.m.)

## 1 CERTIFICATE OF COURT REPORTER

2 I, Jennifer West Ray, Court Reporter,  
3 and Notary Public in and for the County of Harrison,  
4 State of Mississippi, hereby certify that the  
5 foregoing pages, and including this page, contain a  
6 true and correct transcript of the testimony of the  
7 witness, as taken by me at the time and place  
8 heretofore stated, and later reduced to typewritten  
9 form by computer-aided transcription under my  
10 supervision and to the best of my skill and ability.

11 I further certify that I placed the  
12 witness under oath to truthfully answer the  
13 questions in this matter under the power vested in  
14 me by the State of Mississippi.

15 I further certify that I am not in the  
16 employ of or related to any counsel or party in this  
17 matter, and have no interest, monetary or otherwise,  
18 in the final outcome of the proceedings.

19 Witness my signature this the \_\_\_\_\_ day  
20 of \_\_\_\_\_, 2014.  
21

22 \_\_\_\_\_  
JENNIFER WEST RAY, RPR  
23 My Commission Expires on 4/24/17  
24  
25

## ERRATA SHEET

I, JASON JORDAN, do hereby certify that I have read the foregoing deposition and that the same is a true and accurate transcript of my testimony, with the exception of the changes noted below, if any:

| PAGE<br>/LINE | WORD(S) TO BE<br>CHANGED | CORRECT<br>WORD(S) | REASON FOR<br>CHANGE |
|---------------|--------------------------|--------------------|----------------------|
|---------------|--------------------------|--------------------|----------------------|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

\_\_\_\_\_  
JASON JORDAN

State of \_\_\_\_\_  
County of \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Notary public  
My commission expires: